

PB# 87-69

**Duffer's Hideaway
(Building Addition)**

9-1-25.21

Duffers Highway Building Add.-
87-69

Reapplied under file # 90-15

Oxford[®]

✠ ESSELTE

MADE IN U.S.A.

NO. 753 1/3

TOWN OF NEW WINDSOR		General Receipt		9334
555 Union Avenue New Windsor, N. Y. 12550		October 5, 19 87		
Received of		Duffin's Hide-A-Way		\$ 25.00
Twenty-five and 00/100		DOLLARS		
For		Planning Board Application Fee (Building Addition)		
DISTRIBUTION				
FUND	CODE	AMOUNT		
Check # 701		\$ 25.00		
		By Pauline D. Townsend		
		Town Clerk		
		Title		

Williamson Law Book Co., Rochester, N. Y. 14609

FILE # 87-69:

New Application filed: See # 90-15

Engineer fees for file # 87-69 carried over
to file # 90-15

DUFFER'S HIDEAWAY SITE PLAN:

Mr. Paul Cuomo came before the Board presenting his proposal.

BY MR. CUOMO: Basically this is what went to the Zoning Board of Appeals.

BY MR. SCHIEFER: My question, gentlemen --

BY MR. VANLEEUEWEN: I think we should read the comments.

BY MR. PAGANO: Has the Zoning Board of Appeals approved this? Do we have a copy of it?

BY MR. SCHIEFER: According to Mr. Edsall's comments, the answer is yes, I will verify that.

BY MR. CUOMO: I was at the meeting. They said yes.

BY MR. EDSALL: As far as I understand, the Zoning Board of Appeals granted them a variance to construct a 15 foot high fence, four foot back from the property line in accordance with the plan that you had referred over.

BY MR. CUOMO: They did have a special fabric which I had known tonight I was going to be here, I would have brought it with me, but I will bring it to the Planning Board. It is a chicken wire with a very small diamond pattern, very small, that a golf ball can't get through.

BY MR. SCHIEFER: Yes, we do have the Zoning Board of Appeals approval for the variance.

BY MR. RONES: Then there is the clubhouse addition. That is also part of this, or is that old news?

BY MR. CUOMO: The clubhouse addition I think we would like to put on, have on there. I think it is on the plan there.

BY MR. VANLEEUEWEN: It says here no poles per Zoning Board of Appeals meeting, 9/25/89.

BY MR. SCHIEFER: No poles?

BY MR. VANLEEUEWEN: That is what it says on the map.

BY MR. CUOMO: It means no poles here. The fence goes

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through here, down and back to here.

BY MR. LANDER: What type of poles?

BY MR. CUOMO: Telephone poles.

BY MR. SCHIEFER: Same ones?

BY MR. CUOMO: I don't know if he is going to use the same ones.

BY MR. SCHIEFER: Any questions?

BY MR. CUOMO: There is some comment here where we are working on the plan and I'd like to be, naturally I'd do that. I did follow the comments.

BY MR. VANLEEUEWEN: Why don't you take the plan and go through these comments and get the changes and come back and we will put you on the next agenda?

BY MR. PAGANO: What about lead agency?

BY MR. SOUKUP: Is the application expired? They have got to fill a new application. We will have to wait until that comes in before we do anything.

BY MR. CUOMO: We got approval on the last application.

BY MR. SCHIEFER: I don't want to start over.

BY MR. EDSALL: I think what you have to do is have him fill out an application because the application that they had filled out before was granted an approval with a term and that term is long since expired. We have plans that say building addition. We have plans that say nets. We have plans that say Duffer's Hideaway. We have plans that have nets and doesn't say it is for Duffer's Hideaway. We should have done site plan so it can be approved.

BY MR. SOUKUP: Some of the things that are proposed are in place.

BY MR. EDSALL: There is no site plan approvals for any of it at this point.

BY MR. CUOMO: I'd like to make a new site plan with what is there.

BY MR. SCHIEFER: They are suggesting a new application.

BY MR. CUOMO: The application kills me. We have to put up \$700 escrow.

BY MR. RONES: This is a continuing saga to have this project lose its place in the batting order.

BY MR. BABCOCK: That is town law.

BY MR. CUOMO: If I have -- when we started --

BY MR. VANLEEUEWEN: You paid \$700 already or --

BY MR. CUOMO: No, when this project started escrow law wasn't in place. Now it looks like we are going to get hit again. I don't think it is fair.

BY MR. RONES: Has there been any problem in the --

BY MR. SOUKUP: Not again, you haven't gotten hit yet.

BY MR. RONES: There must have been extensive review and billing for it.

BY MR. SOUKUP: Do you want to make an application to the Town Board? They are the only ones who can do it.

BY MR. CUOMO: My clients are in Florida. I don't have \$700. I think this comes under the guise of torture.

BY MR. SCHIEFER: Can we extend it?

BY MR. RONES: It is a continuing application. If the approval has expired, his approval may have expired, but the application, it would seem to be is a continuing one. This is the same site, it is the same project that we have been looking at for a very long time now.

BY MR. LANDER: Wasn't there a conditional approval?

BY MR. EDSALL: Conditional approval that expired on a particular date and that is long since expired. If it is your determination that you'd like to consider it a continuation of the previous one, I have no problem with that, but I still am going to want to assign it a different number because the file is a mess.

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BY MR. SCHIEFER: I'd like to extend the application and treat the approval as expired. You have to get that again but I see no problem why start it all over again. I agree with what Joe is saying.

BY MR. CUOMO: I agree with Mark as far as a new site plan.

BY MR. SCHIEFER: One new site plan incorporating everything so the application is in. You have no approvals.

BY MR. CUOMO: Right, I agree with you. Thank you.

BY MR. SCHIEFER: Does anyone have any objection to that? All we are doing is giving his place in the line and he doesn't have to put up the \$700 but you do have to start over.

BY MR. CUOMO: That is fine.

BY MR. LANDER: We have to have a licensed surveyor's stamp on the next plan?

BY MR. CUOMO: No, it is a site plan.

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 87-69

DATE: 13 SEPT 1989

APPLICANT: JERRY IMPELLITTIERE

"Duffer's Hideaway"

Rt. 32

New Windsor, NY 12550

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED October 5, 1987

FOR ~~(SUBDIVISION)~~ - SITE PLAN

LOCATED AT ROUTE 32

ZONE P.I.

DESCRIPTION OF EXISTING SITE: SEC: 9 BLOCK: 1 LOT: 25.21

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

50 Ft. High Fence proposed 4 ft. off
property line. Variance to Code sections
48-14(A)(1)(a) and (b) required.


PLANNING BOARD CHAIRMAN

<u>REQUIREMENTS</u>		<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE	<u>PI</u> USE <u># A-12</u>		
MIN. LOT AREA	<u>5 ACRES</u>	<u>6.69 A</u>	<u>—</u>
MIN. LOT WIDTH	<u>200 Ft.</u>	<u>383.82 Ft</u>	<u>—</u>
REQ'D FRONT YD	<u>100 Ft.</u>	<u>100 Ft</u>	<u>—</u>
REQ'D SIDE YD.	<u>50 Ft</u>	<u>169 Ft</u>	<u>—</u>
REQ'D TOTAL SIDE YD.	<u>100 Ft</u>	<u>363 Ft</u>	<u>—</u>
REQ'D REAR YD.	<u>50 Ft</u>	<u>603 Ft</u>	<u>—</u>
REQ'D FRONTAGE	<u>50 Ft</u>	<u>383 Ft</u>	<u>—</u>
MAX. BLDG. HT.	<u>50 Ft</u>	<u>13 Ft</u>	<u>—</u>
FLOOR AREA RATIO	<u>N/A</u>	<u>—</u>	<u>—</u>
MIN. LIVABLE AREA	<u>N/A</u>	<u>—</u>	<u>—</u>
DEV. COVERAGE	<u>10 %</u>	<u>— %</u>	<u>— %</u>
O/S PARKING SPACES	<u>27</u>	<u>27</u>	<u>—</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-565-8550) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, ~~SECRETARY~~

just --

BY MR. VAN LEEUWEN: How old is the list?

BY MR. SCHIEFER: You said you were going to use part of the list? If you use the total list, there is no problem.

BY MR. GREVAS: Total list is 500 feet. There is 135 names on it.

BY MR. SOUKUP: If you infringe on them within the 300 you are going to have to notify the same 135.

BY MR. GREVAS: It is across the street.

BY MR. SOUKUP: If the property, if a piece of the property is within 300 feet, you are going to have to notify them all anyway.

BY MR. TANNER: We can't notify the association?

BY MR. SOUKUP: No, you have to notify individually. We didn't adopt the revised law on certified letters for notices allowing --

BY MR. EDSALL: That was discussed but no change was made. The Town Board is considering it.

BY MR. GREVAS: Thank you.

~~DUEFFER'S HIDEAWAY~~

Daniel Bloom, Esq. and Paul Cuomo came before the Board presenting the proposal.

BY MR. BLOOM: My name is Dan Bloom. I have been retained by Mr. Impellittiere to represent him at the meeting, I am at a slight disadvantage not having been here at the prior meetings, but to familiarize myself with what has gone on, the history of the matter, I have reviewed the prior minutes, at least as many as they were able to obtain, and present to my office. After reviewing those minutes, and by the way, I will defer to Paul in a few minutes with respect to the details of the plans which are before you and they will have to be taken into consideration in conjunction with Mr. Edsall's comments. In reviewing the minutes it became apparent to me that there were some very serious reservations on the part of the various members of the Board concerning safety to wildlife, concerning

the basic need for the fencing, the poles and the 50 foot poles and the chicken wire fencing associated with it. In conjunction with those reservations, my client has undertaken and has secured and I'd like to present them to the Chairman for review. In the first place, a letter from the National Audobon Society clearly indicating that this type of fencing opaque type fencing, is actually the safest type of fencing to use for preventing harm from birds. Apparently birds navigate by way of sight, not sonar or any other means and they have found that the opaque type, particularly chain link fence or chicken wire are sufficiently observable to the birds, that they do not get caught in them, as opposed to the finer nylon netting which do present a substantial danger to wildlife. In addition there is attached to that document a response to a letter that my client received from the City of Rye, New York, where they have apparently a public golf course where they have similar type of fencing, not exactly the same but similar type fencing and they have had tremendously fine experience with respect to its noninterference with the wildlife, particularly the birds, in that area. Addressing now of course from our point of view, the most difficult aspect of the entire presentation, the aspect which obviously if this Board deems it appropriate to at least consider initial preliminary concept or approval to the plans, we obviously then must proceed to the Zoning Board of Appeals for the purpose of a variance with respect to the 50 foot poles. I may say in that regard, for the purpose hopefully of having the support of this Board, in that this particular application, that my client is in a rather unusual position with respect to this application. Frankly, if he had his d'ruthers, he'd prefer not to put up any fencing because it is not a 12 month operation. He is making a living. He worked hard for his living, but this is an expense he'd like to avoid. However, I have letters I'd like to present to the chairman from Mr. Herb Redle (phonetic) who is a neighbor on the south side as you face the property. He of course, has the mini warehouse complex which he is suggesting requesting that the Board consider approval of the installation of the fencing, because obviously there is a very eminent and substantial hazard to his property and personnel and we have a letter from the Borchert Orchards which are the property immediately on the north of the property, and there have been apparently close calls with respect to some golf balls and employees who are attending to the orchard which of course golf balls in the eye or head could be a very substantial safety consideration, especially if you hit a golf ball like I do. With that gentlemen, I will with the Board's permission, I will turn it over to Mr. Cuomo for the specifics of the plan and to address

the comments raised by Mr. Edsall.

BY MR. SCHIEFER: I just read this letter from the National Audobon Society and they say if your proposed fence is chain link or made of a similar heavy gauge material, it should appear sufficiently appear opaque to birds. Weren't we talking about chicken wire?

BY MR. BLOOM: Yes.

BY MR. SCHIEFER: Is that as opaque as chain link? Vinyl strips one foot intervals is perfectly acceptable, but just the wire mesh somebody may question that and that is not addressed here.

BY MR. BLOOM: You are right. As I understand it, the inquiry was made of the Town of Rye, correct me if I am wrong. We were suggesting to them we had just the chicken wire, but I believe this is how they responded to that.

BY MR. CUOMO: We asked the Audobon Society, we asked them what do they think of this fence that they are using up in Rye. It has been used for years. There has been no problems. There is no bird deaths or anything with it, so we asked him what do they think of that and that is the answer we got back.

BY MR. SCHIEFER: Chain link fence painted dark green, I have no problems with what they are saying, but the original proposal of chicken wire fence is not covered by this, unless you want vinyl. But just chicken wire fence as such I don't read this as approval by the Audobon Society or the Town of Rye, but both are saying chain link painted green is fine. Just the interpretation what you are saying.

BY MR. CUOMO: We are trying to lay it out on the table.

BY MR. SCHIEFER: If you do it the way they are saying it, I think you have a good argument, but don't go back to the point chicken wire becomes almost invisible. Then you go to nylon which they are saying is unacceptable.

BY MR. BLOOM: Apparently nylon netting is not observable by the birds.

BY MR. SCHIEFER: You can't hide the fence, go ahead Paul.

BY MR. CUOMO: As I can see from the plan, I concentrated mainly on the fence. The thrust of my whole plan was to make

sure the fence gets in.

BY MR. SCHIEFER: 29 poles?

BY MR. CUOMO: Yes, but Mark had two comments and I didn't put them on and I apologize, not out of respect for the comments, it is just my fault. I put it on this plan, but you can't review this plan because I just did it the other night. However, we have here one of the comments was two handicapped parking spaces which we have, and we have built a handicapped ramp. Can I have a picture?

BY MR. BLOOM: Sure.

BY MR. SCHIEFER: I am aware of it.

BY MR. CUOMO: So, we have a ramp and two handicapped parking spaces and then I put the square footage in, the square footage of the original clubhouse and Mark asked also for the square footage of the addition and the square footage of the clubhouse is 720 feet and the addition is 1,710. When those things get polished up and put on the map will be done.

BY MR. VAN LEEUWEN: Addition of the clubhouse?

BY MR. CUOMO: That is the apartment.

BY MR. VAN LEEUWEN: That has got to go for a public hearing. Doesn't it?

BY MR. BABCOCK: Yes, it is a special permit which then in return requires public hearing.

BY MR. VAN LEEUWEN: Can I give you some advice? I would say --

BY MR. CUOMO: Give my attorney advice also.

BY MR. VAN LEEUWEN: I was going to suggest split the two of them. Don't make it one application so we can act on one application without the other, because you have to go to the Zoning Board of Appeals and that is going to put him into November before he gets approvals.

BY MR. EDSALL: Split which portion?

BY MR. SCHIEFER: The fencing is one portion and the residence, the addition to the building.

BY MR. EDSALL: You can't apply for just a fence, it has got to be part of a site plan though --

BY MR. VAN LEEUWEN: Make two site plans.

BY MR. SCHIEFER: You are going to hold up this whole thing until you go to the Zoning Board of Appeals.

BY MR. IMPELLITTIERE: I need approval on the fence before the addition because without the fence there will be no further advancement of the piece of property.

BY MR. SCHIEFER: If you want to do it that way, fine.

BY MR. IMPELLITTIERE: I may get approvals for the building and then have the fence turned down and then there will be no more place.

BY MR. SCHIEFER: We have go to the Zoning Board of Appeals before we vote and send it there. Are there any other comments?

BY MR. LANDER: In Mark's comments, we don't have -- they don't have a valid approved site plan. It was a conditional one, and that has expired now. What do we do?

BY MR. EDSALL: To get the paperwork correct and I don't think there is any problem, since it is a matter of filling out paperwork. If you want to make a referral to the Zoning Board of Appeals but before they come back to the Planning Board, they should be required since they have an expired conditional approval, so in effect they have nothing right now. They should make a new application and we should look at one single plan following the Zoning Board of Appeals' action.

BY MR. LANDER: The Zoning Board of Appeals won't look at it?

BY MR. EDSALL: We just have to get our paperwork straightened out before they return as far as if you want to refer them on this plan. That is not a problem. They will look at it. Matter of fact, Paul can get the paperwork.

BY MR. VAN LEEUWEN: I will make a motion that we approve the site plan since the Audobon Society gave us no problem.

BY MR. SCHIEFER: Do you understand what is going on?

BY MR. CUOMO: Yes.

BY MR. SOUKUP: I will second it.

BY MR. SCHIEFER: Motion is made and seconded we approve the site plan of Duffer's Hideaway on Route 32. Any further comments?

ROLL CALL:

MR. SOUKUP: Aye.

MR. VAN LEEUWEN: No.

MR. LANDER: No.

MR. SCHIEFER: No.

BY MR. SCHIEFER: Based on that, now you can go to the Zoning Board of Appeals and the reason you need a deviation from the Zoning Board of Appeals on the 50 foot pole, so this will send you there for that.

BY MR. CUOMO: To come back here, I don't understand how I can get back here because we are expired out.

BY MR. SCHIEFER: We will take care of that. Right now, you do not have the conditional approval.

BY MR. EDSALL: What you should do is get an application completed by Mr. Impellittiere and get that in with all the paperwork and have that on file.

BY MR. CUOMO: Start from scratch?

BY MR. EDSALL: In effect they granted a conditional approval which expired, so you have to start again.

BY MR. SCHIEFER: You gave me these two original letters?

BY MR. BLOOM: May I take those back, so we can use those, and what I'd like to do is make copies and submit them for your file.

BY MR. SCHIEFER: Okay, thank you.

BY MR. IMPELLITTIERE: If we get the zoning approval for the fences, does the Planning Board see any reason why they would turn this site plan down?

BY MR. SCHIEFER: Any other comments or changes to the site

plan you'd like to recommend or consider, put it that way?

BY MR. SOUKUP: Based on the engineer's comments with the engineer's comments being responded to, it seems to be suitable for what is there.

BY MR. VAN LEEUWEN: I have no problem with the living quarters.

BY MR. BABCOCK: What is he going to the Zoning Board of Appeals for? The map that I have been looking at doesn't show --

BY MR. VAN LEEUWEN: Poles 50 foot high.

BY MR. BABCOCK: There is nothing on the map now about an apartment above the clubhouse anymore. That has been eliminated.

BY MR. SCHIEFER: Proposed addition.

BY MR. VAN LEEUWEN: If you go to the Planning Board of Appeals, take that off.

BY MR. BABCOCK: We have to know why we are sending him. The paperwork has to be done and sent to the Zoning Board of Appeals. I'd like to know what we are sending him to the Zoning Board of Appeals for.

BY MR. VAN LEEUWEN: For the poles.

BY MR. BABCOCK: That is it?

BY MR. SCHIEFER: Don't go to them for anything else. We will act on the rest of it.

BY MR. SOUKUP: It was turned down for pole height.

BY MR. VAN LEEUWEN: I'd take this apartment off that site plan.

BY MR. SCHIEFER: All you want to get from the Zoning Board of Appeals is permission on the poles, don't complicate the issue by asking them to -- don't go to them on the apartment, don't ask for trouble, avoid that.

BY MR. VAN LEEUWEN: Take it off.

BY MR. CUOMO: Then I can change that site plan to the fact I can put the apartments on?

BY MR. SCHIEFER: What have you changed?

BY MR. VAN LEEUWEN: They are going to ask you for sewer.

BY MR. CUOMO: I got sewer. We got a septic field approved.

BY MR. VAN LEEUWEN: They are going to tell you sewers.

BY MR. SCHIEFER: Take it off the plan and then when you come back to us, don't complicate the issue.

BY MR. BABCOCK: The Zoning Board of Appeals has requested that they receive a plan with your initials on it so that they know that they are redoing the same plan. Even Mr. Bloom was there the night they asked for that.

BY MR. CUOMO: There is no apartment on that.

BY MR. SCHIEFER: The one I have has no apartment on it.

BY MR. EDSALL: Once you clear the Zoning Board of Appeals, I think you might want to come, both Mr. Bloom and Mr. Cuomo, to our work session so we can go through all these items to review the plan and make sure everything has been addressed, so that the next appearance things might be a little more organized as far as all the plans having the same information and be on the same wavelength and you can schedule that with the Planning Board secretary once you are through with the Zoning Board of Appeals.

BY MR. BLOOM: Okay, thank you.

HILLTOP ESTATES:

Mr. Gregory Shaw came before the Board presenting the proposal.

BY MR. SHAW: Mr. Loeb will not be able to make the meeting tonight and I will present Hilltop Estates. Just to give the Board a quick overview, the subject parcel is approximately 24 acres. We are proposing 149 town homes on it. There is an overview of the project. In April of this year, this Planning Board decided to restart the SEQRA process and declared itself as lead agency. Following that meeting, my office prepared a long Environmental Assessment



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MARK J. EDSALL, P.E.

Licensed in New York,
New Jersey and Pennsylvania

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: Duffer's Hideaway Site Plan
PROJECT LOCATION: Route 32
PROJECT NUMBER: Formerly 87-59
DATE: 9 August 1989
DESCRIPTION: The Application involves a recreational facility on the east side of NYS Route 32. The plan was most recently reviewed at the 9 March 1988, 13 April 1988 and 12 April 1989 Planning Board Meetings.

1. This project has a confusing history with regard to what is proposed and what has been approved. I have attempted to review the minutes from the latest meetings referenced above and, based on my understanding of what occurred, the Board should be advised as follows:

- a. At the 9 March 1988 Planning Board Meeting, the Planning Board conditionally approved the site plan. The plan had the poles removed and did not include paving of the drive and parking area. The conditional approval expired on 1 November 1988, at which time the Applicant was to re-appear before the Planning Board for further consideration. During all discussions at that meeting, it was stressed that the entire parking area must be paved and curbs within the internal site may be required.
- b. At the 15 April 1988 Planning Board Meeting, the Applicant was referred to the Zoning Board of Appeals. Discussions at this meeting involved a requirement that paving be completed by June 1989. Also, the apartment was discussed.
- c. At the 12 April 1989 Planning Board Meeting, the overall project was discussed and a field trip was scheduled.

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: Duffer's Hideaway Site Plan
PROJECT LOCATION: Route 32
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2. Based on my review of the files concerning this project, it is my understanding at this time that no valid site plan approval exists for this project. The formerly granted Conditional Approval as expired. Therefore, I strongly recommend that the Planning Board review the entire project. I recommend that the Applicant be required to make a new and complete application and that the Board review same in a complete fashion.

3. I have made a review of the last plan submitted with revision No. 8 dated 22 August 1988. I have the following general comments:

- a. It appears that the only proposed addition on this plan is the "clubhouse" addition. The Board should ask if anything else is proposed and verify that everything else shown on the plan is existing.
- b. The Board should take note of the lightpoles shown and the ranges of each. Will this cause a hazard or be a nuisance?
- c. The Board should note that 50' high poles are again shown with netting connecting each. These poles and netting are placed 4' off the property line and nearly surround the property.
- d. The Board should also note that the plan indicates concrete curbs will be provided and the entire parking area will be paved.
- e. Although it was brought to the Applicant's attention at the previous meeting, the plan does not provide any handicapped parking spaces. A detail should also be provided.
- f. The plan makes reference to detail drawing "S2"; no such plan has been submitted.

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

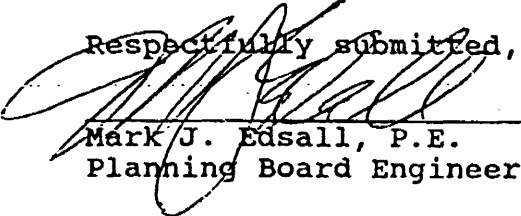
PROJECT NAME: Duffer's Hideaway Site Plan
PROJECT LOCATION: Route 32
PROJECT NUMBER: Formerly 87-59
DATE: 9 August 1989

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4. The Board may wish to also discuss the results of their site inspection held pursuant to the latter meeting referenced above.

5. At such time that the Planning Board has made further review of this application, further engineering reviews and comments will be made, as deemed necessary by the Board.

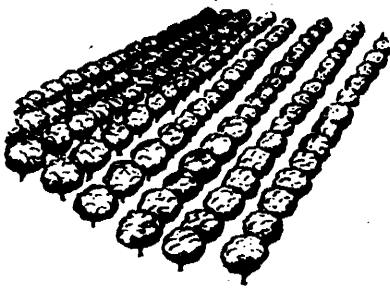
Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

MJEnje

duffers



Borchert Orchards, Inc.

Lattintown Road, Marlboro, NY 12542 • Tel. [914] 236-7239

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September 20, 1988

To all members of the
New Windsor Town Board

As neighbors boardering next to Duffer's driving range, we feel this net should be put up to protect us. In the last two years we had two workers get hit with golf balls while working in the orchards. Luckily, nobody got badly injured, but it could be a serious accident if one were to get hit in the eye or face.

If Mr. Impellittere puts up a neat looking fence, we feel it will protect him as well as us. It is very dangerous the way it is now with no fence.

Sincerely,

Ernest Borchert & Robert Borchert

HERBERT H. REDL

Commercial and Office Rentals

ALLSPORT BUILDING
240A NORTH ROAD
POUGHKEEPSIE, N.Y. 12601
914-471-3388

September 16, 1988

New Windsor Town Planning Board
New Windsor, NY 12550

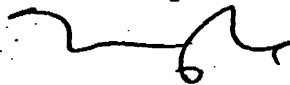
ATTENTION: Chairman

Dear Sir:

Mr. Gerard T. Impellittere, Jr., owner of Duffers Hide-A-Way Golf Center, has asked me to put in writing my support of his erecting a 50-foot fence on the property line dividing his property from mine. Being his neighbor, we are concerned about the possibility of golf balls being hit from his site onto mine, which could easily land and physically hurt someone. Therefore, for safety reasons, I would urge the Town Board to support the erection of this fence.

Many thanks for your consideration in this matter.

Yours truly,



Herbert H. Redl

HHR: lmd

IMPELLITTIERE/DUFFER'S HIDEAWAY

MR. NUGENT: This is a request for 50 foot high fence, 4 foot off property line (on three sides of premises) located on Route 32 in PI zone.

Daniel J. Bloom, Esq. came before the Board representing this proposal.

MRS. BARNHARDT: For the record, there were eleven on the list and we received nine return receipts back.

MR. BLOOM: Good evening gentlemen, this evening gentlemen I am representing as the Board is aware, Mr. Impellittiere who runs Duffer's Hideaway in the Town of New Windsor. It is a recreational facility which encompasses probably the Board is aware, the ability to practice golf as well as it has batting cages for the enthusiast, mostly, youthful enthusiasts for the Town of New Windsor.

This evening, my client is here for the purpose of seeking two types of variances, one a height variance for the purpose of erecting fencing to prevent golf balls from going astray from his premises and doing both property damage and personal injury to the properties immediately adjoining his. In that regard, he would like to erect a fence constituted of chicken wire to a height of 50 feet above ground level. He'd like to set the fence back only 4 feet from the property line so as to get maximum protection that is a maximum type of interference with respect to the passage of golf balls from his premises to the adjoining premises. The request in question would result in variances in height of 35 feet and in terms of setback, I believe of 6 feet.

By way of a little bit of background, my client has operated the facility now for, I believe in excess of two years. He went in there originally hoping that the location of the property itself and the natural environs that he was in the middle of an apple orchard originally. He did not anticipate, I don't believe, any other town officials anticipated that there would be a hazard both health and safety of the surrounding properties. In fact, of course, what happened was we had some neighbors construct on the one side of him the mini warehouse complex and we found out much to our surprise and our concern that the employees of the apple orchard were exposed to persaonl injury when taking care of the trees or picking apples. As a result of that and after being approached by Mr. Borchert and Mr. Redhl who are the surrounding landowners and after they indicated to my client that they are very concerned about this hazard, he indicated to them that he'd come to the town and do what was necessary to protect them from that type of damage. In that regard, he

has, he proposes subject to the approval of this Board, to erect a fence constituted of chicken wire 50 feet above the ground level and setback only 4 feet from the property line.

Last time I was here, there was legitimate and as I perceived considerable concern about potential hazard that the type of chicken wire might pose to the various birdlife in the area. You recall in the last meeting, I had shown pictures which I will make available to the, any members of the public of the facility in Huntsville, Alabama to whom my client corresponded and actually made personal contact. That particular golf driving range uses chicken wire as well, they have used it for a considerable period of time without any injuries to any type of birdlife. To confirm that in writing and I will pass the original correspondence to the Chairman dated August 10th, 1989 to my client, simultaneously with securing that, Paul Cuomo, the engineer on the project, had corresponded with the National Audubon Society in Westchester County and they have communicated with him and indicated and I will give the Chairman a copy of the letter they communicated by correspondence dated May 6th, 1989 with Mr. Cuomo and in their correspondence, they indicated that since birds navigate by means of sight, not sonar, they felt any opaque substance, such as they referred to chain link fencing would not pose a threat to birdlife. We proceeded on the assumption that this might be sufficient but then the question was raised by members of the Board and I think legitimately so well is chicken wire efficiently opaque that would fit into the category. I wrote a letter to the Audubon Society dated September 20th and I asked them to comment on the use of chicken wire as opposed to the chain link fence. Unfortunately, I cannot show you a correspondence back from them in the interim. I wrote to the Garrison Office, to the same Mr. Rod (phonetic) for whatever reason I have not heard from him since. I called in excess of eight or nine times to his office and there is an answering machine, apparently it is a part-time manned facility, left messages but I have not heard back. In anticipation of leaving this in an effort to avoid leaving this in abeyance this evening, I corresponded or rather I secured a telephone number of the National Audubon Society on Third Avenue in New York City, 953 Third Avenue, I contacted them on Friday of this week, specifically I contacted a Cynthia Trapanese (phonetic) at that address and I indicated to her that I had been trying to contact Mr. Rod in the Garrison Office and she indicated it is a part-time manned facility and I posed the question to her that I posed to Mr. Rod in my correspondence about the chicken wire and the response to me was no problem, she said birds would perceive that as an opaque substance, that would pose no problem quote unquote. Rather than just quoting hearsay to the Board members with the Board's permission, I respectfully pass to the Chairman my own Affidavit which I have prepared containing everything that I have just related to the

Board in terms of copies of the correspondence, dates of my telephone conversations with the Garrison Office and the correspondence which I by the way faxed to the Audubon Society this morning and requested response and the response I got to my fax transmission and I have extra copies was that because Mr. Rod had originally communicated with us, that I would have to await a reply from Mr. Rod and that that is all they can do for me today. So, based upon that, I just feel that I would present my own personal affirmation to the Board containing that information.

As I recall, the other concern the Board members had the last time we spoke was whether or not golf balls would invade the structure of the fence itself, would pierce it and go through it and to that end, my client, Mr. Impellittiere, is here this evening with Bob Minicozzi and Bob is the pro at the Palatin Golf Club to demonstrate, we have an actual sample of the fencing and the size of the golf ball clearly indicating the golf ball substantially is larger than the apertures in the fence.

MR. IMPELLITTIERE: This is the size of the chicken wire and the golf ball can't go through. This was covered on my tractor the last three years until I put a permanent cover and on direct hits, the golf ball has never gone through. People have sat on the other side of it and it pretty much tells the story.

MR. NUGENT: Is that the exact type of wire he intends to put up?

MR. BLOOM: Yes. In conclusion gentlemen, I would conclude by saying that it is an unusual application in the sense my client is not here to request permission to do something to increase his gross receipts or increase net profit, he is here to protect neighbors. He wants to remain a good neighbor and this is going to cost him money. He has cost him money but he wants to do what is necessary to remain a decent citizen in New Windsor and I would respectfully suggest to the Board that there is a practical hardship, there is a threat to safety in the community and my client is prepared to meet that threat with the permission of this Board.

MR. FENWICK: Do you have to go for a site plan approval?

MR. BLOOM: Yes, it was referred to this Board by the Planning Board for particular variances on this particular question. Yes, that is correct.

MR. TORLEY: Are you going to put lights on the poles?

MR. BLOOM: No, no lights, right?

MR. IMPELLITTIERE: No.

MR. BLOOM: Only the ones that are there now.

MR. NUGENT: Before I open it to the public, I have a couple letters that I should read into the minutes. First one is from Herbert Redhl, an owner of property just south of Mr. Impellittiere.

"...I would just like to notify the Board that I am in favor of the construction of the new fence and I would urge the Board to grant this variance..."

Second one is from Borchert Orchards.

"...As neighbors bordering Duffer's, we feel this net should be put up to protect us. In the last two years, we have had two workers get hit with golf balls while working in the orchards. Luckily, nobody got badly injured but it could be serious but could be a serious accident if one were to get hit in the eye or face. If Mr. Impellittiere puts up a nice looking fence, we feel it will protect him as well as us. It is very dangerous the way it is now with no fence..."

I would like to open it up to the public. If anyone has anything to comment.

WILLIAM BORCHERT: My father and uncle own the property next to Jerry. I have been hit and, awful close sometimes. The tractors have been hit. You have to watch where you park vehicles. You don't want to park them by the fence and one time kids were in there stealing a bunch of fruit and I went to chase them away and they run right in the golf course and naturally that is dangerous. You come out and chase them out right away. I think a fence would keep kids from cutting through the golf course which it is a pretty good kids runaway going right through there. There is a lot of golf balls on my side of the fence. I probably have more than he has and it is dangerous for my, you know, my employees, apple pickers and field hands and it is dangerous on them and a nice number of apples get hit with a golf ball, that can shake down a lot of fruit and I really think it is a nice fence, I can't see any real problems with it. Thank you very much.

MR. NUGENT: Nothing further from the public, I will open it back up to the Board and I will accept a motion.

MR. TORLEY: It is nice to see one going beyond the immediate code of the law to improve the public health and safety and be a good neighbor, something we unfortunately don't see.

MR. NUGENT: They also do a nice job on their presentation.

MR. FENWICK: I make a motion that we grant the variance.

MR. SKOPIN: I will second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Fenwick	Aye
Mr. Konkol	Aye
Mr. Skopin	Aye
Mr. Nugent	Aye

MR. KONKOL: This does go to the Planning Board for site plan approval?

MR. NUGENT: Yes.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 49

Request of Gerard T. Impellittere, Jr., d/b/a
"Duffer's Hideaway"
for a VARIANCE of

the regulations of the Zoning Local Law to
permit construction of a 50 feet high fence,
4 feet off property line on three sides of
premises.

being a VARIANCE of
Section 48-14 (A) (1) (a), (b) (c) and 48-21-a(2)

for property situated as follows:

Easterly side of N.Y. State Route 32 between
premises owned by Borchert (on North) and Doo and
Red L (on South).

SAID HEARING will take place on the 23rd day of
October, 19 89, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

JAMES NUGENT
Chairman

cc: P.B.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

89-49

Date: 10/5/89

- I. Applicant Information: d/b/a Duffer's Hideaway, Route 32
- (a) Gerard T. Impellittiere, Jr. New Windsor, NY 12550 (914-562-8310)
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) Daniel J. Bloom, Esq., P.O. Box 4323, New Windsor, NY 12550
(Name, address and phone of attorney) (914-561-6920)
- (d) N/A
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance, including construction of fence. ☐ Interpretation

III. Property Information:

- (a) PI Rte. 32, New Windsor, NY 9-1-25.21 6.69
(Zone) (Address) 12550 (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 1985
- (e) Has property been subdivided previously? no When? --
- (f) Has property been subject of variance or special permit previously? yes When? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? yes (but violation has been remedied)
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: None

IV. Use Variance: N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____
- _____

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48, Table of Supple-Regs., ~~Sec~~ Subs: 1(a) and (b)*
48-14-C
48-21-a(2)

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd. /	/	/
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		
Fence 15'	50'	35'

* Residential Districts only

** Non-residential districts only

Fence Setback 10' 4' 36'

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application. The purpose of the fence is to protect persons and properties near the subject parcel from stray golf balls. Therefore, a 50 foot fence must be constructed closer to the perimeter of the parcel than the statutory limit of 4 feet so as to deflect the maximum number of golf balls possible. No other means of protecting neighbors from this hazard is available.

VI. Sign Variance: N/A

- (a) Variance requested from New Windsor Zoning Local Law, Section, Table of Regs., Col.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	sq.ft.	sq.ft.	sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation: N/A

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

- (b) Describe in detail the proposal before the Board:

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

The proposed fencing (galvanized chicken wire) will blend with the surrounding landscape so as not to create an offensive scene.

IX. Attachments required:

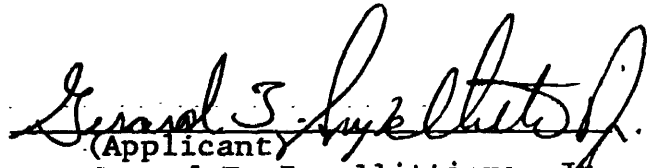
- ☒ Copy of letter of referral from Bldg./Zoning Inspector.
☒ Copy of tax map showing adjacent properties.
☐ Copy of contract of sale, lease or franchise agreement.
☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
☐ Copy(ies) of sign(s) with dimensions.
☒ Check in the amount of \$ 50.00 payable to TOWN OF NEW WINDSOR.
☐ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date October 5, 1989

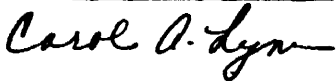
STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.


(Applicant)
Gerard T. Impellittere, Jr.

Sworn to before me this

5th day of October, 1989.



CAROL A. LYNN
NOTARY PUBLIC, State of New York
Residing in Orange County
4527111

Commission Expires 11-30-90

XI. ZBA Action:

(a) Public Hearing date _____.

(b) Variance is _____.

Special Permit is _____.

(c) Conditions and safeguards: _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

cc: 02

NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of

DECISION GRANTING
AREA VARIANCES

GERALD T. IMPELLITTIERE, JR.
d/b/a Duffer's Hideaway

#89-49.

-----X

WHEREAS, GERALD T. IMPELLITTIERE, JR., d/b/a DUFFER'S HIDEAWAY, Route 32, New Windsor, N. Y. 12550, has made application before the Zoning Board of Appeals for a 35 ft. height variance to construct a 50 ft. high fence, together with a 6 ft. variance in both side yards and in the rear yard to construct said fence 4 ft. from both side and rear property lines at a recreational facility located on Route 32 in a PI zone; and

WHEREAS, a public hearing was held on the 23rd day of October, 1989 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant was represented by Daniel J. Bloom, Esq. of 530 Blooming Grove Tpk., New Windsor, N. Y.; and

WHEREAS, one neighboring landowner spoke in favor of granting the variance; and

WHEREAS, two neighboring landowners (one of whom also appeared and spoke) submitted letters in favor of granting the variances; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that Applicant is seeking permission to vary the bulk regulations with regard to fence height and setback in order to construct a 50 ft. high fence 4 ft. off the property line at the location of applicant's golf driving range and batting cages.

3. The evidence presented by Applicant substantiated the fact that the variances aforesaid would be required in order for Applicant to construct a 50 ft. high fence 4 ft. off the property line.

4. The evidence presented by the Applicant further shows that there have been incidents reported of property damage and bodily injury to farm workers and adjacent neighbors resulting from golf balls which exceeded the boundaries of the driving range.

5. The evidence presented by the applicant indicated that the minimum side and rear yard setback requirements for recreational uses, as provided in Zoning Local Law Section 48-21 (A)(2), were not adequate to protect the public health, welfare and safety for the applicant's use of this property.

6. The evidence presented by the applicant further indicated that, except for the fence which is the subject of this application, the applicant's recreational facility otherwise conforms to the bulk regulations contained in the PI zone.

7. The evidence presented by the applicant also indicated that rejection of the requested variances would cause practical difficulty to the applicant since a fence which would comply to the applicable side and rear yard requirements of the bulk tables, and with the supplemental use regulations, would not protect the public health, welfare and safety as effectively as the fence proposed by the applicant. The complaints by the neighboring landowners concerning stray golf balls indicate that fencing in excess of that which is permitted under the Zoning Local Law is necessary to protect them.

8. The requested variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

9. The requested variance will produce no effect on the population density or governmental facilities.

10. That there is no other feasible method available to Applicant which can produce the necessary results other than the variance procedure.

11. The interest of justice would be served by allowing the granting of the requested variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 35 ft. height variance and a 6 ft. variance in both side yards and in the rear yard, in order to construct a 50 ft. high fence set back 4 ft. from both side and rear property lines, as sought by Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: November 13, 1989.

Chairman

(ZBA DISK#5-053085.FD)

ZONING BOARD OF APPEALS
OCTOBER 23, 1989

(TA DOCDISK#6-102389.ZBA)

AGENDA:

7:30 p.m. - ROLL CALL

Motion to accept minutes of September 25, 1989 as written.

PRELIMINARY MEETING:

~~TABLE~~ NEED LETTER FROM TOWN BOARD

(1) BOIARDI, ROBERT - Request for 7'/7.67' side yard variance in order to receive a C.O. on property located on Shore Drive in R-4 zone.

SET UP.

OR PUBLIC HEARING

(2) ZGRODEK, STANLEY - Request for 60 ft. street frontage to construct one-family dwelling on Rocky Lane in R-4 zone.
Present: Ben Hagar of Hagar Homes.

ET UP FOR

PUBLIC HEARING

(3) HAWLEY, TERRY - Request for 152 s.f. sign area/15 ft. sign height variances (free-standing sign) for Econo Lodge Motel located at 310 Windsor Highway (formerly Temple Hill Motel) in C zone.

PUBLIC HEARING:

APPROVED

(4) ADVANCE BROADCASTING, INC. - Request for 35 ft. height variance to construct an 80 ft. communications relay tower on property located on 429 Little Britain Road in PI zone. Present: Robert Butts, Esq.

APPROVED

(5) CERONE, NICHOLAS - Request for 6.86 ft. frontyard variance to construct garage at 16 Margaret Place in R-4 zone.

DISAPPROVED

PLAN HAS CHANGED NEED NEW DISAPPROVAL FROM P.B.
(6) PIZZO, JOHN - Request for use/area/sign variances for parcel located on Route 207 and Temple Hill Road in R-4 zone. Construction of professional office building; 59% Developmental coverage and 21 s.f sign area requested. Present: Daniel J. Bloom, Esq.

APPROVED

(7) IMPELLITTIERE/DUFFER'S HIDEAWAY - Request for 50 ft. high fence, 4 ft. off property line (on 3 sides of premises) located on Route 32 in PI zone. Present: Daniel J. Bloom, Esq.

FORMAL DECISIONS: (1) DOLAN, RAYMOND
(2) MAZZIOTTA, PAUL

APPROVED

Pat - 565-8550 (o)
562-7107 (h)

PLANNING BOARD CHAIRMAN + BUILDING INSPECTOR MUST SIGN ALL PLAN
SENT TO ZBA

ZONING BOARD OF APPEALS
SEPTEMBER 25, 1989

(092589.ZBA-DISK#4)

AGENDA:

7:30 P.M. - ROLL CALL

Motion to accept minutes of September 11, 1989 meeting as written.

PRELIMINARY MEETING:

NO SHOW 1. ALDRICH, ROBERT - Request for use variance to construct single-family residence at 64 Walsh Road in PI zone. Use not allowed.

NEED SQ FT OF OFFICE SPACE 48-37 + 48-21H 2. PRABHU, M. P. - Request for home professional office at 261 Route 9W in R-4 zone. Applicant intends to occupy residence. HOUSE IS 2,100. NEED PLAN FOR SQ FT OF HOUSE + OFFICE 48-21H

PUBLIC HEARING 3. DUFFER'S HIDEAWAY - Request for 50 ft. high fence proposed 4 ft. off property line - Sec. 48-14(A)(1)(a) and (b). Present: Daniel J. Bloom, Esq. NEED NEW DISSAPPROVAL SIDE YARD AND REAR YARD OFF BY 10:00 PM 48-21A 2 35' HEIGHT 46' SIDE LIGHTS MUST BE

PUBLIC HEARING:

APPROVED FORMAL DECISION'S 10-14-89 3. DOLAN, RAYMOND - Request for 9 ft. rear yard variance to extend deck on residence located at 103 Shaker Court in CL zone.

APPROVED 4. MAZZIOTTA, PAUL - Request for 10 ft. rear yard variance to construct deck at residence on Oak Hill Drive in R-1 zone.

*

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DISCUSSION PERIOD PER REQUEST BY LAWRENCE TORLEY.

(1) Discussion regarding "maintaining" horses per Bill Pullar.

*

*

*

FORMAL DECISIONS: (1) CHALEFF
(2) WORTMANN
APPROVED (3) PERREN
(4) BILA PARTNERS

PAT 565-8550 (O)
562-7107 (H)



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640
PORT JERVIS (914) 856-5600

RICHARD D. MCGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

Licensed in New York,
New Jersey and Pennsylvania

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN OF New Windsor P/B # -
WORK SESSION DATE: 7-18-89 APPLICANT RESUB.
REAPPEARANCE AT W/S REQUESTED: No REQUIRED: No
PROJECT NAME: Duffer's Hideaway-
COMPLETE APPLICATION ON FILE NEW OLD X
REPRESENTATIVE PRESENT: PVC - Jerry E.
TOWN REPS PRESENT: BLDG INSP. X
FIRE INSP. X
P/B ENGR. X
OTHER (Specify)

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

— Status of Site Inspection

— Poles & Bldg Addition

— check minutes for status —

*Put on
Request*

Jerry Impellittere
139 Windsor Hwy
N.W. N.Y.

Set for 8/9/89 meeting

3MJEB9

DUFFER'S HIDEAWAY - SITE PLAN (87-69)

Paul Cuomo and Jerry Impellittere came before the Board representing this proposal.

Mr. Cuomo: Basically the title of the plan clubhouse addition, what we did here on revision 8, which we submitted--

Mr. Impellittere: When I last appeared before the Board I was given a conditional permit to operate on getting the driveway paved. The driveway has been paved and I just like to get the matter of conditional permit or conditional approval to be taken care of first before we enter into any new business. I was supposed to appear before I reopened my business this spring. I was to have the driving lot paved and I had it done last fall at the end of October and I just wanted to clear that up on my existing plans before we got involved in any new business.

Mr. Pagano: Do we have your revised plan?

Mr. Cuomo: You had it since August. You have had the plans since August and the Fire Department approved it. I submitted it on August 22nd and the Fire Department approved it on August 24th. That was distributed through the town.

Mr. Pagano: This was the previous comments.

Mr. Cuomo: This plan represents--

Mr. McCarville: This is an addition.

Mr. Pagano: I am talking about what the parking lot looks like now. In other words, what he has now in comparison with what he wants to do. We had approved a parking lot some time ago with paving and everything.

Mr. McCarville: We approved a plan subject to the parking lot being brought up to specs. What he is saying is the parking lot is brought up to specs and he wants--

Mr. Impellittere: I was given a conditional approval.

Mr. Pagano: On one of the engineer's comments is has all the paving been completed. My point is, Mike, has the applicant fulfilled all the comments that we have made on his previous application.

Mr. Babcock: There is going to have to be an inspection done. I know the paving is there. I have been by there and seen the paving. I haven't been there to inspect it and see if the striping is there, if the handicapped spacing signs, curbs--

Mr. Pagano: Your opinion roughly is you say that he has met the requirements that we requested of him.

Mr. Babcock: Unless I saw it, I wouldn't know.

Mr. Soukup: On the second part of the question, how many handicapped spaces have you indicated at the site.

Mr. Impellittiere: None presently.

Mr. Soukup: Are there some required under the law.

Mr. Edsall: In any site plan there is at least one required with proper posting.

Mr. McCarville: Select a space for handicapped parking, so mark it on the pavement, put a sign up, include it with this site plan and that takes care of everything.

Mr. VanLeeuwen: We have no choice.

Mr. Babcock: Depending on the number--I don't have the book with me but depending on the number of spaces, that depends on how many spaces you will have to have.

Mr. Edsall: How many total spaces do you have?

Mr. Impellittiere: Twenty-seven (27).

Mr. Edsall: You'd need two spaces.

Mr. Impellittiere: I needed a letter to take out the curbs from the New York State Transportation. This letter here, I don't know who I should present it to, they took off the curbing that was not necessary there that was proposed on the original site plan and this is that letter.

Mr. VanLeeuwen: They don't want curbing.

Mr. Impellittiere: They said it wasn't necessary from the start because the drop coming down from Route 32 is too steep for a car to make access way.

Mr. Cuomo: The next thing of course is the, we are asking for some new material on here. As you know, this plan, the original had two things on it that we didn't have on, the proposed clubhouse addition for an apartment, caretaker apartment and then we had put on there which we had done before but they removed these poles. What we are doing here is coming back again with some more information and new information in regard to these poles. I think we have been operating what, a summer without any poles

Mr. Impellittiere: Well, the poles with netting.

Mr. Cuomo: We propose to come back again to petition or ask or pray or whatever you want to do, we'd like to propose to put the poles back up with the netting on. I think you have got some information.

Mr. VanLeeuwen: What kind of netting are you planning to use?

Mr. Impellittiere: Galvanized chicken wire.

Mr. Jones: I vote against that.

Mr. VanLeeuwen: Now you know what the problem is, birds fly into it and get caught.

Mr. Impellittiere: There is no environmental backing to that. I also have two letters in each one of my neighbors in support of the nets being put up for the safety of people on their property. One from Mr. Borsher (phonetic) and one from Mr. Herb Redl which effect the areas around me.

Mr. McCarville: The only problem I have, I still have the same problem, you know, I didn't like the poles the first time around, I don't know what makes you think the Board will like them the second time around.

Mr. Impellittiere: It is a safety factor more so now than it was before.

Mr. McCarville: Still, the same type pole.

Mr. Impellittiere: I believe that I was not given, I made a mistake the first time without coming to the Board and I feel I didn't get proper recognition from the facts involved in the situation so I rectify the situation and now I am coming back to you the proper way.

Mr. McCarville: We can appreciate that and I feel the Board may have made an error in approving the site plan to begin with. We ran into this type of problem, there was never any poles included on the original site plan.

Mr. Impellittiere: It was said from the very beginning that as necessary as the project went along, it wasn't necessary when we started out.

Mr. McCarville: Why wasn't it necessary when you started out?

Mr. Impellittiere: There wasn't anything next door to me. Mr. Borsher never said a thing until we started this project and some of the workers, one of his workers have gotten hit with golf balls when they were picking apples. I have a further concern, some of my neighbors--

Mr. McCarville: I just feel as one Board member that I probably made an error in approving this to begin with in approving the concept of a driving range on a narrow lot where these balls are flying off to the neighboring properties.

Mr. VanLeeuwen: When he came in, there was nothing here and there was an orchard here and the house over here and that is it.

Mr. McCarville: That is what is happening throughout the town.

Mr. Pagano: Is there any way to restrict a driven ball. Is there any way to restrict it more, some sort of a tunnel or chute.

Mr. Impellittiere: No to have my business as what it should be. If it is restricted balls, nobody is going to come hit them. I might as well close up.

Mr. VanLeeuwen: What I suggest is we put it on the next site tour and go out and visit it and let's take a look when we are actually at the site. Let's make our decision then. I think it is wrong to make a decision looking at a paper. If we go out there and look at it we can see more.

Mr. Pagano: Do you have a sample of the netting?

Mr. VanLeeuwen: Do you have any objection to putting up green netting instead of wire.

Mr. Impellittiere: I'd be replacing it every year. It is made out of polyurethane and it would have to be taken down every year and the expense is phenomenal.

Mr. VanLeeuwen: Why don't we discuss it at the site.

Mr. Impellittiere: They have fencing currently in the area, it is in the Stoney Ford Golf Course. They have it so balls don't fly onto a highway on the back nine. They have 30 foot galvanized chicken wire and there is, personally, I have been around golf courses all my life. I have never seen a bird caught up inside of the netting.

Mr. Jones: You never made it your business to see if there was any there either.

Mr. Impellittiere: Yes, I have.

Mr. Jones: As long as they are there where there is a hazard where birds are going to fly into it, forget about it.

Mr. VanLeeuwen: Let's go down there and check it out.

Mr. Jones: It looked like hell last time.

Mr. McCarville: That is one of the few places along 32 where you can glance up and see the river. When you put the poles in it was sticking up there and it just distracted everything.

Mr. Impellittiere: If I sold a piece of property and somebody came in with another big concrete company and they have a 50 foot height clearance to build according to the zoning, would you rather have a cement factory in there versus something I have. I have improved

the property tremendously and I don't feel as well my business has been a detriment to the Town of New Windsor.

Mr. McCarville: I think we we'd probably convince them that is not the place for a cement factory. I don't have a problem with the use.

Mr. VanLeeuwen: The best thing we can do is go down and take a look at it. It will answer alot of questions for alot of the people.

Mr. Jones: I look at it every day and my mind isn't changed.

Mr. Impellittiere: If I am going to lose it a year from now because of an insurance claim, it is not worth for me to have it. I can't function without one. I can't function without security for a long term business. It doesn't make sense. I am providing recreation. I have batting cages. There is actually nothing to do in the Town of New Windsor recreation wise. There is limited stuff. I am providing recreation and I think special consideration because of the recreation, you know, facility that I have should be taken into account.

Mr. Pagano: Is there any comments from like EPA or some animal right movement or anything like that that have comments about this type of fencing for flight ways for birds or anything like that. Is there some way we can look it up and they say yes, it is good or no good. We will set this up as a site inspection.

Stanley Dempsey: I live at 29 Hudson Drive. You put up metal poles which would be less objectionable than the big poles. Secondly, the Board is going down there and looking, are there any other driving ranges in the area where they could go look and see what the situation is, see how they're handling this netting or balls.

Mr. Pagano: I have seen both chicken wire and netting and I can't say that any one of them is good or bad or indifferent. I have a great hook shot, I shoot 90 degree shots and they better have high fences.

Mr. Dempsey: This man has an investment in the town and he should be given consideration.

Mr. Pagano: Consideration we are giving him, it is just a matter, we do have pheasants and they are not the type of bird that can change direction like a sparrow or pigeon so if we do have a problem, we'd like to find it out in that type of area. Are you for or against the poles.

Mr. Dempsey: I am not in favor of the telephone poles. I think they are an eyesore. I noticed them when they were up and I noticed them when they were cut down and I think the man has a business and if he can put something up that won't be objectionable, a view has been brought up by putting up a smaller pole, you will be able to see the view.

4-12-89

Mr. Pagano: We appreciate your comments, thank you.

Mr. Impellittiere: Do you have the DOT waiver?

Mr. Pagano: Yes, that is going to stay here to.

~~BOYER'S HUSBAND (87-69) CUOMO~~

4-13-88

Mr. Paul Cuomo came before the Board representing this proposal along with Jerry Impelletieri.

Mr. Cuomo: I was down here today and I got the tour today. I made an inspection. It is very sturdy. The batting cage, every cage, is going in on a slab. It is quite an involved process. Jerry will explain it further if you need to. We are coming in, we'd like to put an addition on the clubhouse. This is a site plan change

from the approved site plan. It would be an amendment to the site plan. We'd like to get a clubhouse enlargement.

Mr. Ronos: He'd have to go to the Zoning Board of Appeals.

Mr. Van Leeuwen: Do you see what is wrong?

Mr. Cuomo: Yes, it is beyond the 30 percent.

Mr. Scheible: If you are going to be doing this, I think that the last time you were in here that we made sort of like an exception here. We said you don't have to do the blacktop because you were saying you can't afford to put the blacktop in. We sort of eased up last time around and, all of a sudden, you are wanting to put an addition. What about the blacktop?

Mr. Impelletieri: That was on the last site plan. We dropped it off. You could not give me approval at that time. That was already on the site plan originally. We erased it off at the last meeting. I was told there had never been a problem with any of the additions with anything already on the site plan. So, we dropped it off for that meaning because it would be too complicated to get everything done in one meeting.

Mr. Scheible: The way I understood it was that, just let's bring that back at a future time when all of the problems are solved. So, as far as blacktop --

Mr. Van Leeuwen: I think what we discussed, he would come back in the fall and he would put blacktop in and by spring of next year, that is a year from now approximately and I believe we gave him until July or June to get it in.

Mr. Scheible: Yes, you are correct. But, now before the blacktopping is even done, now he wants an addition.

Mr. Van Leeuwen: I am incline to agree, but we did make that agreement.

Mr. Pagano: But that was based upon it was a hardship case, that was the reason, because it was a hardship case. Then all of a sudden, we want to put an addition on.

Mr. Impelletieri: The addition was included beforehand. I am not trying to pull this in now afterwards. It was included in beforehand and because of the difficulty of getting everything done at one time, that we dropped the addition off at the last meeting in order to take care of getting the permits for the cages and the roof.

Mr. Van Leeuwen: All we have to do tonight is send him to the Zoning Board of Appeals. Let's get it done.

Mr. Schiefer: I make a motion that the Town of New Windsor Planning Board approve the site plan for Duffer's Hideaway.

Mr. Van Leeuwen: I will second that motion.

Mr. Rones; The Zoning Board of Appeals is going to be looking for your recommendation as to this. So, maybe you can include those in the minutes. Include your views in the minutes so that they would know what the Planning Board's druthers are when they receive this application.

Mr. Van Leeuwen: I think what we should do is handle a vote and then make a recommendation.

ROLL CALL:

MR. LANDER	NAY
MR. PAGANO	NAY
MR. MC CARVILLE	NAY
MR. SCHIEFER	NAY
MR. VAN LEEUWEN	NAY
MR. SCHEIBLE	NAY

Mr. Schiefer: Before we make any recommendations, I have no problem with going along with putting in the blacktop later. But I just heard the blacktop is a dead issue.

Mr. Van Leeuwen: No, it is not a dead issue.

Mr. Schiefer: You are still going to do it?

Mr. Impelletieri: Yes, I made an agreement.

Mr. Schiefer: If that agreement is still in effect, I have no problems.

Mr. Van Leeuwen: I don't have an objection to the addition on the building. It is better for the assessor.

Mr. Mc Carville: When is the proposed blacktopping to be completed by?

Mr. Van Leeuwen: Next June.

Mr. Scheible: The front entrance is now and the parking lot is --

Mr. Van Leeuwen: And the parking lot is in June.

Mr. Scheible: The entrance right-of-way --

Mr. Van Leeuwen: And the parking lot by the end of June, 1989?

Mr. Schiefer: If that is going to happen, I have no problem with this.

Mr. Impelletieri: This June is the front entrance.

Mr. McCarville: What is your understanding, that the parking lot is to be completed.

Mr. Impelletieri: I was supposed to come back in November.

Mr. Scheible: It was not settled for next June. We were going to decide on that when you came back in September and I understood when you came back with this proposed addition, that is what I understood. I have no problems with this addition as long as we get some of the other improvements taken care of at the same time.

Mr. Ronces: Is this going to be an apartment as discussed?

Mr. Impelletieri: Part showroom and apartment.

Mr. Cuomo: The time of the presentation can be at the same time.

Mr. Edsall: The initial plan that I reviewed with the apartment in this, we had revision 7 which doesn't have the apartment. Now, they say it is going to be an apartment. What plan are we going to use?

Mr. Cuomo: It is an apartment.

Mr. Edsall: So the plan is going to be revised back again to show the apartment now?

Mr. Scheible: Does anyone on the Board have any problems with the apartment being erected?

Mr. Lander: No.

Mr. Ronces: Just consider it very carefully.

Mr. Scheible: Mark, you will take care of that.

Mr. Edsall: I will pass it onto the Zoning Board of Appeals.

Mr. Scheible: That the Planning Board sees no problem with the addition and the apartment.

Mr. Impelletieri: The Board was going to get a hold of Mr. Rehdle and some decisions were going to be made. After having a busy weekend, about 300 or 400 balls were crossed over the fence and it is going to become an issue and something has to be done. I know the Board said they were going to do something. I'd like to know what is progressing with that.

Mr. Mc Carville: This brings you right back to my comment about three meetings ago where you had talked about low compression golf balls to correct the problem. To begin with, on that piece of property I contended that the previous time we had a long discussion on blacktopping on the very first time you came in and your comment was that eventually, that would be done. You indicated that probably into your second season, yet you came in and acted quite surprised that the Board was discussing blacktop. At the last meeting your comment was why do you bring it up at this late date? It's been an issue since the date you opened this. You are saying to the Board now, we have a problem because your golf balls are going onto your neighbor's property and there it is, gentleman, we have the problem and what are we going to do to correct it.

Mr. Impelletieri: It was stated by the Board but there was a problem. I am not making this up.

Mr. McCarville: I recognize there is a problem, but the problem we created by approving this to begin with.

Mr. Van Leeuwen: We approved this before Herb Rehdle's, but Herb has to come back in because he is changing some of his buildings. When he does, we will try and rectify it. We can't rectify your balls going over into his property, that we cannot do. What we can do possibly is keep vehicles and stuff away from the fence, a certain distance.

Mr. Mc Carville: Have you looked at the low compression balls?

Mr. Impellitieri: Yes, sure. These balls are not as hot as the ones I had last year. The original ones I bought were from Korea and the boat didn't show up so I had to buy some other balls.

Mr. Cuomo: These aren't regular golf balls.

Mr. Van Leeuwen: You have a four foot fence there now.

Mr. Impelletieri: Yes.

3-9-88

Mr. Paul Cuomo and Mr. Jerry Impellittire came before the Board.

Mr. Cuomo: We are here for site plan review. We were here the other day. We went to the Zoning Board of Appeals and we came back. We went to the Zoning Board of Appeals with a Notice of Disapproval on some items here, one of them being the batting cage and being the hundred feet away which should have been a hundred feet, it was only 98 and the fence height, we were asking for 35 feet on the fence height. The fence being the large pole to hold the nets. We have eliminated those, most of them. There is just four left. But they are all down on both sides.

Mr. Scheible: You removed them today?

Mr. Cuomo: Yes.

Mr. Scheible: How did you get them down?

Mr. Impellittire: Chain saw.

Mr. Cuomo: The other thing we have is the cage. We have eliminated that. We are back to the Planning Board. We have a roof to be placed over the tees. I have a detail of that here. You might want to look at it. The roof is to enable the operation to function during rainy times. You can hit your golf balls in the rain, if you'd like.

Mr. Scheible: Mark, have you had a chance to peruse the plans?

Mr. Edsall: We looked at this the last time they were here and to my understanding, two items of concern with the Planning Board were the location of the batting cages and the poles. They have both been remedied.

Mr. Jones: What is the story on the finished area, the parking lot and the driveway and everything there?

Mr. Scheible: We'd rather not see it remain shale.

Mr. Edsall: He is putting in sub-base and a dense binder and then it appears to be a finished coat.

Mr. Impellittire: The Department of Transportation waived putting that curb that is on the original plans because they said it was not necessary.

Mr. Scheible: Did you bring the Department of Transportation approval? Do we have one?

Mr. Babcock: I put one in the file today.

Mr. Scheible: Jerry, how do you feel if we say that at the time you are issued a C.O., if everything goes correct and the time that you come in for your C.O. and if it is not blacktopped by that time, would you be agreeable for setting up a bond for the blacktop?

Mr. Impellittire: You are asking me to put another \$20,000.00 in for blacktop?

Mr. Jones: We want to guarantee it is done. If it is your money, it is going to be done.

Mr. Scheible: There is other businesses in town that we have made do this.

Mr. Impellittire: I am only seasonal. This is a complete surprise that you are asking for blacktopping now.

Mr. Scheible: What was this originally supposed to be?

Mr. Impellittire: Down as shale.

Mr. Van Leeuwen: We went along with the shale driveway when you first came in because we didn't know if the thing was going to work out. Now he is going to be adding a batting cage and adding more things to it. Now I think it should be blacktopped. Do you remember when you said I bought this site, I'm going to try something. If it works it will be one thing, but I am not sure if it is going to work. So we left you off pretty light.

Mr. Impellittire: I don't remember.

Mr. Van Leeuwen: I do, because you weren't sure if it was going to work and we worked along with you.

Mr. Impellittire: I am still not sure it is going to work.

Mr. Van Leeuwen: Why are you spending all this money?

Mr. Impellittire: It is something I love to do. It is my living.

Mr. Scheible: That is a fine line. At what point do you consider this as a successful venture?

Mr. Impellittire: When it becomes successful like any other business.

Mr. Scheible: How are we going to know when you make a profit? At what point can we say, yes, we want to see it blacktopped. What are you going to say? Well, it is not profitable enough yet?

Mr. Impellittire: My own personal thing, I'd like to see it blacktopped, but I don't have the money.

Mr. Jones: What about oil and chipped?

Mr. Schiefer: Doing it that way he is going to eventually have to blacktopped so we are asking him essentially to do it twice.

Mr. Scheible: How about at the end of the season we get another visit from Jerry? I know he has had some problems. I am trying to help the man out.

Mr. Schiefer: I agree because of the cooperation we saw today.

Mr. Scheible: How do you feel if we put him on the agenda today

and at the end of the season and we see how the season has progressed, if it was profitable or not.

Mr. Van Leeuwen: How do we know? Some of the man's problems we have created. We have to do something with the recreational -- the mini-warehouse with those vehicles. They have to be moved.

Mr. Jones: We can bring him in and make him move those. He is no better than anybody else.

Mr. Van Leeuwen: We created some of the problems for him. It still doesn't alleviate the problem in the front.

Mr. Scheible: We may have a very good chance with the mini-warehouse area there because they are requesting to come back into us again.

Mr. Van Leeuwen: I don't want to see those vehicles there because if his golf balls break the windows, we can't hold him responsible.

Mr. Pagano: Let's say he paves a narrow road and several parking spaces that are going to be used. Then we can still set him up and after the season we can convince him to add a few more stops. He can put in the blacktop grows.

Mr. Van Leeuwen: Just blacktop for now the existing driveway coming in from the highway, about 75 to 80 feet in. Just a driveway. That will help a lot of the problems and help cars from spinning up the hill. If he is willing to come in this fall or next spring and talk a little further, then I will go for it. No problem. I will meet him halfway.

Mr. Scheible: How do you feel? We are talking about the entrance-way.

Mr. Impellittire: I have no problem with that right now because when you come off the macadam there is a drop down where the traffic has just kicked away the shale.

Mr. Scheible: Come around that turn, that is a bad spot. How far is it macadamed, 25 feet? Would you want to go where the parking spaces begin, say, right here? You are in agreement?

Mr. Impellittire: Yes, when does it have to be done?

Mr. Lander: We are talking about the curbing. Before now you had the curbing for the DOT.

Mr. Impellittire: No, he didn't want me to put it in. They said

it was unnecessary. I have a letter from the State, Don Green took care of that.

Mr. Jones: Are you going to furnish us with a copy of that letter?

Mr. Impellittire: If you want one.

Mr. Jones: Yes.

Mr. Lander: I am talking about the interior curbs.

Mr. Impellittire: That is what has been taken out.

Mr. Van Leeuwen: The State has no control over private property. They only have jurisdiction over, say, 20 feet right of way.

Mr. Scheible: Jerry, would you agree, let's set a date with the blacktop coming in, say, coming into this curb just where the curb ends there.

Mr. Van Leeuwen: He has agreed to that.

Mr. Scheible: But what is the due date because I can't have him do it now. How about July 1st?

Mr. Van Leeuwen: Fine. Then I'd like to see him next spring about the rest of the parking lot.

Mr. Babcock: On the proposed addition on the clubhouse, it says Apt., is that apartment?

Mr. Cuomo: Yes, but we are not coming in on that tonight.

Mr. Babcock: If it is on the plan and that is approved, the apartment is on there. You can have it as a permitted use under a special permit, but while you are here, it is on the plan --

Mr. Rones: Take that off and come in when you are ready.

Mr. Edsall: I just wondered if the curbing is going in now or later.

Mr. Lander: You can come back in April and we can give you an approval for the curbing and the blacktop, then the curbing has to go in at some point in time.

Mr. Scheible: That is correct.

Mr. Lander: Approval was given was this part of it before I was

here.

Mr. Scheible: When we bring him back, then we will go over the parking lot.

Mr. Van Leeuwen: This fall rather than him waiting for the spring-time. Then he can work on it when it is a good time through the winter and during his off-season. I have no problem with that either.

Mr. Rones: How are you going to bring him back? What is the methodology for bringing him back?

Mr. Scheible: We can set up a schedule for that right now.

Mr. Rones: You are going to put conditions on the approval of the site plan?

Mr. Jones: That would be one of the conditions, yes, and come back at a future date and discuss the parking lot.

Mr. Scheible: The gentleman is saying in order for him to operate and start now, he is telling us that he couldn't afford to do these things now. So what I'm looking for is a legal way to bring him back and let him resume what he is supposed to do. Do you have any suggestion there, Joe?

Mr. Van Leeuwen: Give conditional site plan until such and such date.

Mr. Rones: One suggestion would be to bond the improvements that you want to see, set a time period for that.

Mr. Scheible: That was my original suggestion to put up a bond, to bond the improvements, the curb and the blacktop.

Mr. Van Leeuwen: You can't ask him to bond something that he is not doing right now. We haven't come up with concrete information on the parking lot.

Mr. Scheible: We know what we want. We want curbs and blacktop.

Mr. Rones: There just isn't a procedure to have a continuing site plan review.

Mr. Impellittire: If I lose my insurance I am out of business. I have Mr. Redle sitting on my right-hand side which was my whole concern from the whole beginning. I can lose my business all at once. All he has to do is win one lawsuit and I will lose my

liability insurance.

Mr. Van Leeuwen: We are going to try and do something about that. We know what the problem is.

Mr. Impellittire: I am looking at \$50,000.00 for a parking lot and curbing, maybe not that much, but I don't even know if I am going to have a problem with Mr. Redle on that side. I am trying to protect the business that I have right now.

Mr. Van Leeuwen: I suggest conditional approval and we give approval for six or eight or nine months and then he has got to come back in. This is the only way you are going to control it.

Mr. Scheible: Joe, is that a possibility there?

Mr. Rones: It is not in the ordinance. There is no such animal as a conditional approval. It might not be a bad idea.

Mr. Scheible: We have done it before.

Mr. Babcock: One problem we are going to run into is because of handicapped access to this property which is definitely a problem with the handicapped people. I know there is not too many handicapped that go and play golf. I am just making a statement. If you have a gentleman that plays golf and his wife is handicapped and wants to watch him, that is a situation right now. We are getting calls from handicapped people wanting to know why there is half inch lip in the blacktop seams that they are running into with their wheelchairs. It's going to be a potential problem.

Mr. Van Leeuwen: I make a motion that the Town of New Windsor Planning Board give conditional site plan approval to Duffer's Hideaway site plan until November 1, 1988. At that point there is going to reappear before the Planning Board to continue our procedure.

Mr. Pagano: I will second that motion.

ROLL CALL:

MR. JONES	Aye
MR. PAGANO	Aye
MR. VAN LEEUWEN	Aye
MR. LANDER	Aye
MR. SCHIEFER	Aye
MR. SCHEIBLE	Aye

Mr. Lander: Please bring in the letter from the Department of

Transportation.

Mr. Cuomo: Yes. Thank you.

Seeing that there was no further business to come before the Board, a motion was made to adjourn the March 9, 1988 Town of New Windsor Planning Board meeting by Mr. Van Leeuwen. Seconded by Mr. Lander and approved by the Board.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Frances Sullivan", with a long horizontal flourish extending to the right.

Frances Sullivan
Stenographer

Mr. Scheible: Which he had agreed upon he was going to relocate trees that had a lot to do with our decision at that time. I'd like to take a vote of the Board.

Mr. Schiefer: If the developer is willing to take the risk and it is quite extensive I will not vote against his going ahead but I think it is foolish because of the time of year I don't know how much can be done.

Mr. Biagini: I just want permission to start.

Mr. Lander: No.

Mr. Mc Carville: No.

Mr. Van Leeuwen: No.

Mr. Schiefer: Yes.

Mr. Jones: No.

Mr. Scheible: No.

Mr. Zimmerman: Thank you.

REVIEW

DUFFERS HIDEAWAY SITE PLAN (87-59)

Mr. Jerry Impellittieri came before the Board along with Mr. Paul Cuomo.

Mr. Impellittieri: I am the owner of Duffers Hideaway. First of all I'd like to apologize to the Board for making some mistakes. I am accepting full responsibility for those mistakes that have been made. There were several factors involved in why I have done these things. One of them I am under construction with Norstar and I have six months to complete the loan Mr. Redle who is my neighbor on the south side finished up his project and is supposed to be done by the Spring and the last factor is every penny I have is invested into the project what I am doing it is a large investment. Some of my decisions were made to protect my investment, one was erecting telephone poles to hang netting on to keep the golf balls between the structure and my property. My business is a spring time business and I was hoping to have construction finished before the Spring. I didn't actually believe it would take me five months to get here when I started. I am a golf professional and well respected in my profession and I want to remain well respected by you gentlemen and the people in my community. I just wanted to present myself before we got started.

Mr. Mc Carville: I'd just like to have one comment. I respect you for the job you have done up to the point of the telephone poles. I understand your commitment to the bank and the growth of your business and so forth but aesthetically what you have done is taken away from the vista into the beautiful valley over the Hudson itself something that as far as I am concerned aesthetically is a disaster and plus it is against the zoning regulations of the Town of New Windsor and plus I don't really feel that we should entertain the plans until the denial or approval is given from the Zoning Board of Appeals but

that is just my opinion.

Mr. Cuomo: These plans represent from the last time I was here in response to the review comments by our Planning Board engineer. They also represent that this is a roof over the tees and this is a batting cage. We also have in the plans here besides the response to the review comments we also have put on here as you can see along the perimeter these poles at 50 feet high for netting. This netting is to provide protection.

Mr. Mc Carville: Who is going to pick the birds out of them.

Mr. Cuomo: They are protecting the adjacent landowners from any problems with golf balls etc. They are also in here lighting. There is lighting behind the roof of the tee area. This plan is just for the batting cages and the Tee area there is an addition proposed for the clubhouse but that is another application. I don't want to get that confused.

Mr. Van Leeuwen: Are these 50 feet high?

Mr. Cuomo: Yes.

Mr. Van Leeuwen: How high is the netting going to be?

Mr. Impellittieri: 48 feet.

Mr. Cuomo: This is the picture of the betting cage if you are interested.

Mr. Van Leeuwen: Is that existing now?

Mr. Cuomo: That is all proposed.

Mr. Mc Carville: What this tells me is that we errored in approving the special use permit a year and a half ago because we put it on a piece of property that couldn't accomodate it if you have to put up 50 foot telephone poles around the perimeter of the 6.9 acres. It destroys the view of the Hudson Valley from Route 32. The only savings to the whole thing is that this is perhaps not a long term thing, I am talking 50 years. I don't know why we are proceeding, first of all they have to go to the Zoning Board to get a variance here before we look at the batting cages and putting more density on the property.

Mr. Cuomo: This is the first time this has been placed on here.

Mr. Mc Carville: This is the first time the telephone poles have been placed on here?

Mr. Cuomo: This is the first time this plan has been presented with the poles we can't go to the Zoning Board without a rejection from this Board.

Mr. Schiefer: I make a motion we reject the site plan.

Mr. Rones: We were having a discussion about this before and based on some other business that transpired with the Zoning Board on Monday night along with the rejection of the referral to the Zoning Board they would appreciate your recommendations one way or another as to what the Planning Board's feelings are whether they'd recommend approval or not and as much input as possible. So just

on behalf of the Zoning Board because I heard their comments two nights ago if this matter is going to be given to them they want some guidance if they can have it.

Mr. Van Leeuwen: When I first noticed them I only saw a couple now they are every fifty feet. When you first came in to get site plan approval you wanted to build a small building we approved that what gave you the idea of putting the poles without coming to the Town Board, without going for a building permit.

Mr. Mc Carville: You are putting fifty some poles up around 6 acres, fifty foot into the air that is without a permit. I don't like the looks of it and don't get me wrong I enjoy your facility.

Mr. Impellittieri: One of my main reasons I stated was a fear of what Mr. Redle is putting in he is going to be storing motor homes up along the border and I cannot control the full flight of all the golf balls. Because the Spaulding ball is not the most lively ball I am changing completely to golf balls to keep them within the confines but I foresee because I have such high liability insurance that the problem if anything happens with Redle I can also lose everything in a lawsuit. I felt I had to protect myself.

Mr. Scheible: The problem also is Mr. Redle coming back and attacking the Planning Board for approving a project like this along the side of Redle.

Mr. Rones: I don't know about that.

Mr. Van Leeuwen: When Redle came in I wanted him to put a fence in.

Mr. Scheible: You are right.

Mr. Babcock: When we get a new plan and we pull the old plan to see the changes just for the Board's knowledge when I pull the old plan it was never stamped by the Planning Board so it lead me to believe something was wrong why wasn't it stamped. I went back into the minutes and found according to the minutes the plan was approved subject to DOT approval. And to my knowledge that hasn't been done as of yet.

Mr. Impellittieri: Yes I have DOT approval.

Mr. Van Leeuwen: DOT would have stopped them by now. Do you remember approval.

Mr. Babcock: Usually when it is done subject to they'd get approval, show it to us and then get the plan stamped.

Mr. Scheible: Was there ever a building permit issued?

Mr. Babcock: That is before my time I assume it was.

Mr. Scheible: Since it was pending DOT approval that means this couldn't be approved on our side without an approval stamped. And there couldn't be a building permit issued. Am I correct?

Mr. Babcock: Normally we wait for that approval.

Mr. Cuomo: I was here then as far as I can remember there was a building permit.

Mr. Van Leeuwen: I suggest we act on the motion that's been made and we will discuss this tonight to see what kind of a recommendation can be made.

Mr. Impellittieri: Our list of questions there was a thing about the batting cages whether you are going to consider it a structure or fenced in area. I have the pictures to show you what it is that makes a big difference.

Mr. Van Leeuwen: Is that solid concrete in the bottom. Then it is a structure.

Mr. Cuomo: If we are in a structure mode here we are too close to the line we'd have to get a variance.

Mr. Ronese: You need a denial on that too.

Mr. Schiefer: I make a motion we approve the Duffers Hideaway site plan.

Mr. Mc Carville: I will second that.

MR. SCHIEFER	NAY
MR. LANDER	NAY
MR. MC CARVILLE	NAY
MR. VAN LEEUWEN	NAY
MR. JONES	NAY
MR. PAGANO	ABSTAIN
MR. SCHEIBLE	NAY

Mr. Edsall: I'd like to recommend that the Board recommends to the Zoning Board that the application the variance for this fence or guard or whatever you want to call it not be approved and we will do it right up front and just put it that way that is the way I feel about it.

Mr. Impellittieri: That is going to close down my business.

Mr. Mc Carville: That is for them to decide and they asked for our input.

Mr. Impellittieri: I just want you to understand that.

Mr. Scheible: We have businesses one after another come into the Town who have to come before the Planning Board and have to comply with all the rules and regulations we have in the books. Now if on the way we look at it and we see it as not being in compliance with our rules and regulations-- I don't agree with the poles either. I think similarly for the fact they don't comply with our zoning laws so therefore we have to send it on to the Zoning Board of Appeals it is not our decision, it is their decision whether they are going to close you down it is not our decision. We have to recommend to the Zoning Board how we see it right now.

Mr. Van Leeuwen: I suggest that before we make a recommendation to the Zoning Board they are not going to act within the next 30 days I suggest we think about it and all of us get a chance to look at it.

Mr. Mc Carville: Even if it coincided with the zoning laws I'd still be opposed to it.

Mr. Scheible: When I say it is going to put you out of business it is just a matter that unless it complies with the rules and regulations of the Town of New Windsor you just can't go ahead and do these things line you have. You went ahead and put these up without any request or anything. If you had come to us before you put them up and maybe stated your case maybe it would have been different maybe we would have adjusted the size of the poles but being 50 feet high I can't agree with it myself.

Mr. Van Leeuwen: Before we make a decision I'd like until next meeting to think about it.

Mr. Impellittieri: The one thing I am faced with is the side of Mr. Redle's property I can live with my business because I know the orchard is not going to do anything I can live with something smaller but I need some protection from Redle on the one side.

Mr. Schiefer: Can you come up with some alternate solution such as that?

Mr. Cuomo: We will try. The Redle side is critical.

Mr. Babcock: We have to do the peperwork it is going to take some time.

Mr. Scheible: We intend to have a meeting with the Zoning Board we can discuss it at that time.

Mr. Impellittieri: There was a 15 foot netting hanging in the trees in the back and I don't think anybody ever saw it. It wasn't as much as of an eyesore as you think.

Mr. Rones: What kind of net is this going to be?

Mr. Impellittieri: A very thin chicken wire.

Mr. Scheible: We will bring this up at our meeting with the Zoning Board.

Mr. Impellittieri: I am undergoing second back surgery Tuesday and it is being done in Pittsburgh and I am not going to be able to be here I have signed the proxies for Paul and my construction may in case there is a reason why one or the other can't make it to the meeting I am asking them to be fully cooperative and do whatever the Town needs to get with regard to the project.

Mr. Scheible: I'd like to welcome our newest Board member Mr. John Pagano welcome to the New Windsor Planning Board.

HILLTOP ESTATES SITE PLAN (86-89)

Mr. Gregory Shaw came before the Board representing this proposal.

Mr. Shaw: Ok, the purpose of coming before your Board tonight is just to update your Board with the status of the project. Before you tonight is a site development plan indicating 149 residential condominium units on our parcel of land. We have been before you before so you are familiar with this piece. Since the last time we were before you we have go before the Bureau of Fire Prevention



McGOEY and HAUSER
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640
PORT JERVIS (914) 856-5600

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.

MARK J. EDSALL, P.E.
Associate

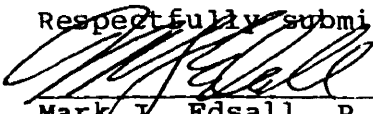
Licensed in New York,
New Jersey and Pennsylvania

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: DUFFER'S HIDEAWAY BUILDING ADDITION
PROJECT LOCATION: ROUTE 32
NEW WINDSOR #: 87-69
13 APRIL 1988

- 1). The Applicant has submitted a revised plan of the Site Plan for the Duffer's Hideaway Site, with the proposal for an addition to the existing club house.
- 2). A review of the plan as submitted was made. Review of same with regard to the proposed modifications is difficult based on the clarity and scale of the plan for the project area be modified. The Board may wish to further discuss the clarity for review purposes.
- 3). A cursory review of the Site Plan indicates that the proposed building addition and their uses will result in a total of three (3) uses for the overall structure. Uses indicated are a "Club House", a "Show Room" and an "Apartment". The Board may wish to discuss and verify the limit on the uses.
- 4). The amount of floor area for each proposed use should be shown on the plan.
- 5). The Board may wish to discuss the requirements that a total of two (2) handicapped parking spaces be provided for the facility.
- 6). The Board may wish to discuss whether a variance is required for the 50' poles and net located on the south side of the "tees".
- 7). At such time that some additional guidance is received from the Board with regard to this project, the engineering review will proceed.

Respectfully submitted,


Mark J. Edsall, P.E.
Planning Board Engineer

MJE/dml
duffers



1763

TOWN OF NEW WINDSOR

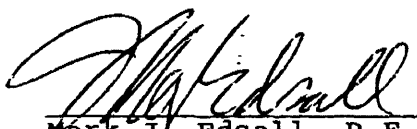
555 UNION AVENUE
NEW WINDSOR, NEW YORK

MEMORANDUM

TO: ZONING BOARD OF APPEALS
FROM: MARK J. EDSALL, P.E., PLANNING BOARD ENGINEER
SUBJECT: DUFFER'S SITE PLAN (BUILDING ADDITION)
PLANNING BOARD TASK NO. 87-69
DATE: 19 APRIL 1988

Pursuant to the direction of the Planning Board, I am writing this memorandum to advise the members of the Zoning Board of Appeals that the Planning Board, based on their initial review of the project plans, has "no problem" with the proposed addition, including the associated apartment. If you have any questions concerning the above, please do not hesitate to contact Chairman Henry Scheible.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

cc: Planning Board File T87-69

MJEcao
zone

OFFICE OF THE PLANNING BOARD
TOWN OF NEW WINDSOR
ORANGE COUNTY, N.Y.

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

File No. 87-69

Date 20 APRIL 1988

To: JERRY IMPELLITTIERE
3 HILLTOP DRIVE
NEW WINDSOR N.Y. 12550

PLEASE TAKE NOTICE that your application dated 30 SEPT 1988
for (~~Subdivision~~ - Site Plan) DUFFER'S MEDEAWAY
located at RT. 32

is returned herewith and disapproved for the following reasons.

- 1) SECT 48-24 — EXTENSION OF NON-CONFORMING USE *
- 2) VARIANCE TO PROVIDE CARETAKER'S APT. ON SITE
- 3) VARIANCE TO INSTALL SOFT HIGH FENCE (50' LENGTH)

HENRY SCHEIBLE *msk*

Planning Board Chairman
HENRY SCHEIBLE

INL AND
PT ZONES
Requirements *₂

	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>10 ACRES</u>	<u>6.69 AC.</u>	<u>3.31 AC.</u>
Min. Lot Width <u>300 Ft.</u>	<u>383± Ft.</u>	<u>—</u>
Req'd Front Yd. <u>100 Ft.</u>	<u>100± Ft.</u>	<u>—</u>
Req'd. Side Yd. <u>100-200 Ft</u>	<u>169-363 Ft.</u>	<u>—</u>
Req'd. Rear Yd. <u>100 Ft</u>	<u>603 Ft.</u>	<u>—</u>
Req'd. Street Frontage* <u>100 Ft.</u>	<u>383 Ft.</u>	<u>—</u>
Max. Bldg. Hgt. <u>18 Ft</u>	<u>13 Ft</u>	<u>—</u>
Min. Floor Area* <u>750 Sq. Ft.</u>	<u>Not Indicated</u>	<u>—</u>
Dev. Coverage* <u>20 %</u>	<u>Not Indicated%</u>	<u>— %</u>
Floor Area Ratio** <u>N/A</u>	<u>N/A</u>	<u>—</u>

* Residential Districts only

** Non-residential Districts only

*₁ For Planning Board Determination

*₂ Requirements Based on Outdoor Recreational Use
Per R-4 Zone, Use by Special Permit



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
4 BURNETT BOULEVARD
POUGHKEEPSIE, N.Y. 12603

ALBERT E. DICKSON
REGIONAL DIRECTOR

FRANKLIN E. WHITE
COMMISSIONER

May 14, 1986

Mr. Gerald T. Impellittiere
14904 Salamander Place
Tampa, FL 23625

RE: HWP #885-0207
Access Drive - Route 32 (SH 9033)
Duffers Hide-A-Way
Town of New Windsor, Orange County

Dear Mr. Impellittiere:

As requested in your letter of April 14, 1986 to our Newburgh office, we have reviewed your request to eliminate the concrete curb along the parking area for the above referenced development, being constructed under the terms of Highway Work Permit #885-0207.

We agree with your observation that the 12 to 15 percent slope between your parking lot and the Route 32 edge of pavement will discourage vehicles from entering your development at a point other than your new access drive. We also feel that this same slope should prevent vehicles from illegally parking on State lands.

Therefore, by copy of this letter, we are amending Highway Work Permit #885-0207 to delete the concrete curb, highlighted in yellow on the attached plans. All other terms and conditions of HWP #885-0207 shall remain in full force and effect.

If there are any further questions or comments, please advise.

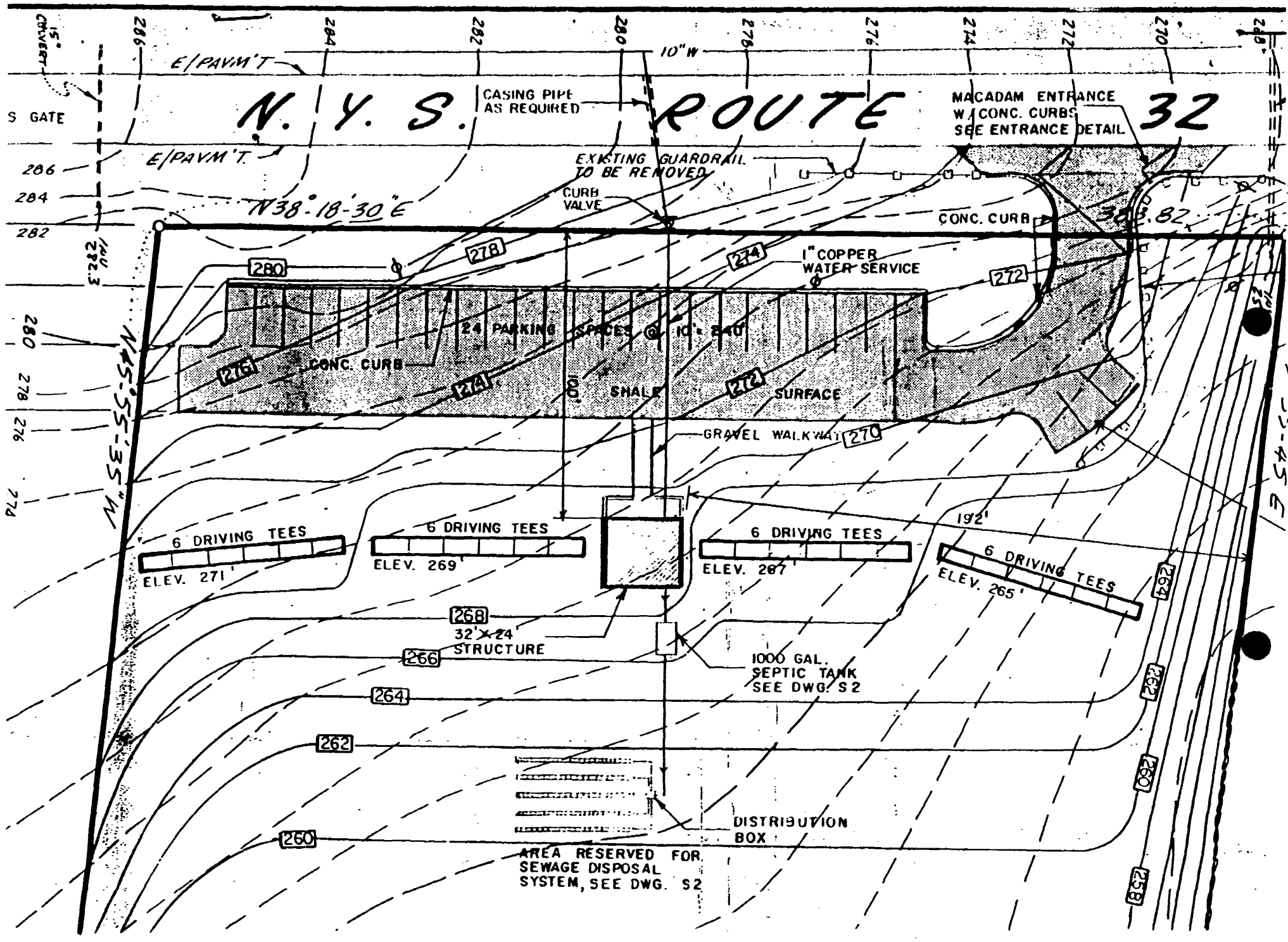
Very truly yours,

M. J. Mignogna
Regional Traffic Engineer

By:

R. A. Sechrist
Civil Engineer I (Traffic)

MJM/RAS/amt



HERBERT H. REDL

Commercial and Office Rentals

ALLSPORT BUILDING
240A NORTH ROAD
POUGHKEEPSIE, N.Y. 12601
914-471-3388

September 16, 1988

New Windsor Town Planning Board
New Windsor, NY 12550

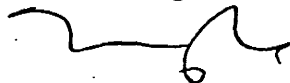
ATTENTION: Chairman

Dear Sir:

Mr. Gerard T. Impellittiere, Jr., owner of Duffers Hide-A-Way Golf Center, has asked me to put in writing my support of his erecting a 50-foot fence on the property line dividing his property from mine. Being his neighbor, we are concerned about the possibility of golf balls being hit from his site onto mine, which could easily land and physically hurt someone. Therefore, for safety reasons, I would urge the Town Board to support the erection of this fence.

Many thanks for your consideration in this matter.

Yours truly,



Herbert H. Redl

HHR: lmd

BUILDING INSPECTOR, P.D. ENGINEER, FIRE INSPECTOR, D.O.T. O.C.H.

O.C.P. WATER, SEWER, HIGHWAY REVIEW FORM:

D. P. W.

The maps and plans for the Site Approval _____
Subdivision _____ as submitted by
Paul V. Cuomo for the building or
subdivision of Duff's Hilda-A-way has been
reviewed by me and is approved _____,
~~disapproved~~ _____.

~~If disapproved, please list reason.~~

will not interfere with water service.

HIGHWAY SUPERINTENDENT

Steve B. Dido
WATER SUPERINTENDENT

SANITARY SUPERINTENDENT

DATE

BUILDING INSPECTOR, P.D. ENGINEER, FIRE INSPECTOR, D.O.T. O.C.H.

O.C.P. WATER, SEWER, HIGHWAY REVIEW FORM:

D. P. W.

The maps and plans for the Site Approval ✓

Subdivision _____ as submitted by
Paul V. Cuomo for the building or
subdivision of Duffless Hide-A-Way has been
reviewed by me and is approved ✓,
disapproved _____.

If disapproved, please list reason.

Project does not effect Septic System.

HIGHWAY SUPERINTENDENT

WATER SUPERINTENDENT

Lynnette Masten Jr
SANITARY SUPERINTENDENT

August 26, 1988
DATE

INTER-OFFICE CORRESPONDENCE

87-59
69

TO: Town Planning Board

FROM: Town Fire Inspector

DATE: 24 August 1988

SUBJECT: Dufferin Hills-Clearway

Planning Board Reference Number: Not supplied

Fire Prevention Reference Number: 88-76

A review of the above referenced subject site plan/subdivision was conducted on 24 August 19 88.

This site plan/subdivision is found acceptable.



Robert F. Rodgers; CCA
Fire Inspector

PROXY STATEMENT

for submittal to the

TOWN OF NEW WINDSOR PLANNING BOARD

JERRY IMPELLIERE, deposes and says that he
resides at 3 HILLTOP DRIVE, NEW WINDSOR
(Owner's Address)

in the County of ORANGE

and State of NEW YORK

and that he is the owner in fee of DUFFERS HIDE-A-WAY

which is the premises described in the foregoing application and
that he has authorized GEORGE PERRECO
to make the foregoing application as described therein.

Date: 10-28-87

SWORN TO BEFORE ME THIS 28th DAY
OF OCTOBER, 1987:

George Perreco
(Owner's Signature)
Patricia E. O'Brien
(Witness' Signature)

PATRICIA E. O'BRIEN
Notary Public, State of New York
Residing in County of Orange
No. 4541496
Commission Expires Feb. 28, 1990

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12550

(This is a two-sided form)

Date Received _____
Meeting Date _____
Public Hearing _____
Action Date _____
Fees Paid _____

APPLICATION FOR SITE PLAN, LOT-LINE CHANGE
OR SUBDIVISION PLAN APPROVAL

- "DOFFERS HIDEAWAY"
1. Name of Project BUILDING ADDITION
2. Name of Applicant JERRY IMPEWITTIERE Phone 562-8310 (7883)
Address 3 HILTOP DRIVE, NEW WINDSOR NY 12550
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record SAME AS ABOVE Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan PAUL CUOMO PE Phone 561-0498
Address 335 TEMPLE HILL ROAD, NEW WINDSOR NY 12550
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney JEFF BERRY Phone 561-1228
Address 233 LIBERTY STREET, NEW WINDSOR NY 12550
(Street No. & Name) (Post Office) (State) (Zip)
6. Location: On the SOUTH side of RT 32
_____ feet _____
(Street) (Direction)
of _____
(Street)
7. Acreage of Parcel 6.7 8. Zoning District PI
9. Tax Map Designation: Section 9 Block 1 Lot 25.21
10. This application is for 1 STORY ADDITION ON REAR -
20 FEET X 45 FEET - NO BASEMENT
11. Has the Zoning Board of Appeals granted any variance or a special permit concerning this property? NO

If so, list Case No. and Name _____

12. List all contiguous holdings in the same ownership
Section _____ Block _____ Lot(s) _____

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

OWNER'S ENDORSEMENT
(Completion required ONLY if applicable)

COUNTY OF ORANGE

SS.:

STATE OF NEW YORK

JERRY IMPERATORE being duly sworn, deposes and says that he resides at _____ in the County of ORANGE and State of NEW YORK and that he is (the owner in fee) of DUFFERS HIDEAWAY (Official Title) of the Corporation which is the Owner in fee of the premises described in the foregoing application and that he has authorized PAUL QUOME PE to make the foregoing application for Special Use Approval as described herein.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this _____

30th day of September 1988

Patricia E. O'Brien

Notary Public
PATRICIA E. O'BRIEN
Notary Public, State of New York
Residing in County of Orange
No. 4641496
Commission Expires Feb. 28, 1990

[Signature]
(Owner's Signature)

[Signature]
(Applicant's Signature)

Owner
(Title)

REV. 3-87

SHORT ENVIRONMENTAL ASSESSMENT FORM

Appendix B Part 617

87-69

Project Title: DOPPERS HIDEAWAY - BUILDING ADDITION

Location: RT 32 NEW WINDSOR NY 12550

ID Number: _____

INSTRUCTIONS:

- (a) In order to answer the questions in this short EAF it is assumed that the preparer will use currently available information concerning the project and the likely impacts of the action. It is not expected that additional studies, research or other investigations will be undertaken.
- (b) If any question has been answered **Yes**, the project may have a significant effect and the full Environmental Assessment Form is necessary. **Maybe** or **Unknown** answers should be considered as **Yes** answers.
- (c) If all questions have been answered **No** it is likely that this project will not have a significant effect.
- (d) If additional space is needed to answer the questions, please use the back of the sheet or provide attachments as required.

ENVIRONMENTAL ASSESSMENT

- | | YES | NO |
|--|--------------------------|-------------------------------------|
| 1. Will project result in a large physical change to the project site or physically alter more than 10 acres of land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Will there be a major change to any unique or unusual land form found on the site? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Will project alter or have a large effect on an existing body of water? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Will project have an adverse impact on groundwater quality? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Will project significantly effect drainage flow on adjacent sites? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Will project affect any threatened or endangered plant or animal species? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Will project result in a major adverse effect on air quality? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. Will project have a major effect on the visual character of the community or scenic views or vistas known to be important to the community? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9. Will project adversely impact any site or structure of historic, prehistoric, or paleontological importance or any site designated as a Critical Environmental Area by a local agency? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10. Will project have a major adverse effect on existing or future recreational opportunities? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 11. Will project result in major traffic problems or cause a major effect to existing transportation systems? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 12. Is project non-farm related and located within a certified agricultural district? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 13. Will project regularly cause objectionable odors, noise, glare, vibration, or electrical disturbance as a result of the project's operation? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 14. Will project have any adverse impact on public health or safety? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 15. Will project affect the existing community by directly causing a growth in permanent population of more than 5 percent over a one-year period or have a major negative effect on the character of the community or neighborhood? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 16. Is there public controversy concerning any potential impact of the project? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

FOR AGENCY USE ONLY

Preparer's Signature: [Signature] Date: 10/5/87

Preparer's Title: _____

Agency: _____

PROXY STATEMENT

for submittal to the

TOWN OF NEW WINDSOR PLANNING BOARD

Jerry Imperatore, deposes and says that he
resides at 3 HILTOP DRIVE, NEW WINDSOR NY 12570
(Owner's Address)

in the County of ORANGE
and State of NEW YORK

and that he is the owner in fee of DUFFERS HIDEAWAY
RT 32 NEW WINDSOR NY 12550

which is the premises described in the foregoing application and
that he has authorized Paul Armo PE
to make the foregoing application as described therein.

Date: September 30, 1987

Jerry Imperatore
(Owner's Signature)

Patricia E. O'Brien
(Witness' Signature)

PATRICIA E. O'BRIEN
Notary Public, State of New York
Residing in County of Orange
No. 4641496
Commission Expires Feb. 28, 1990

TOWN OF NEW WINDSOR PLANNING BOARD
SITE PLAN CHECKLIST

ITEM

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Site Plan Title | 29. <input checked="" type="checkbox"/> Curbing Locations |
| 2. <input checked="" type="checkbox"/> Applicant's Name(s) | 30. <input checked="" type="checkbox"/> Curbing Through |
| 3. <input checked="" type="checkbox"/> Applicant's Address(es) | <input checked="" type="checkbox"/> Section |
| 4. <input checked="" type="checkbox"/> Site Plan Preparer's Name | 31. <input checked="" type="checkbox"/> Catch Basin Locations |
| 5. <input checked="" type="checkbox"/> Site Plan Preparer's Address | 32. <input checked="" type="checkbox"/> Catch Basin Through |
| 6. <input checked="" type="checkbox"/> Drawing and Revision Dates | <input checked="" type="checkbox"/> Section |
| 7. <input checked="" type="checkbox"/> 4"x2" Box for Approval | 33. <input checked="" type="checkbox"/> Storm Drainage |
| Stamp. | 34. <input checked="" type="checkbox"/> Refuse Storage |
| 8. <input checked="" type="checkbox"/> AREA MAP INSET | 35. <input checked="" type="checkbox"/> Other Outdoor Storage |
| 9. <input checked="" type="checkbox"/> Site Designation | 36. <input checked="" type="checkbox"/> Area Lighting |
| 10. <input checked="" type="checkbox"/> Properties Within 500 Feet | 37. <input checked="" type="checkbox"/> Sanitary Disposal Sys., |
| of Site | |
| 11. <input checked="" type="checkbox"/> Property Owners (Item #10) | 38. <input checked="" type="checkbox"/> Water Supply/Fire |
| | Hydrants |
| 12. <input checked="" type="checkbox"/> PLOT PLAN | 39. <input checked="" type="checkbox"/> Building Locations |
| 13. <input checked="" type="checkbox"/> Scale (1" = 50' or lesser) | 40. <input checked="" type="checkbox"/> Building Setbacks |
| 14. <input checked="" type="checkbox"/> Metes and Bounds | 41. <input checked="" type="checkbox"/> Front Building |
| 15. <input checked="" type="checkbox"/> Zoning Designation | <input checked="" type="checkbox"/> Elevations |
| 16. <input checked="" type="checkbox"/> North Arrow | 42. <input checked="" type="checkbox"/> Divisions of Occupancy |
| 17. <input checked="" type="checkbox"/> Abutting Property Owners | 43. <input checked="" type="checkbox"/> Sign Details |
| 18. <input checked="" type="checkbox"/> Existing Building Locations | 44. <input checked="" type="checkbox"/> BULK TABLE INSET |
| 19. <input checked="" type="checkbox"/> Existing Paved Areas | 45. <input checked="" type="checkbox"/> Property Area (Nearest |
| 20. <input checked="" type="checkbox"/> Existing Vegetation | 100 sq. ft.) |
| 21. <input checked="" type="checkbox"/> Existing Access & Egress | 46. <input checked="" type="checkbox"/> Building Coverage (sq. |
| | ft.) |
| <u>PROPOSED IMPROVEMENTS</u> | 47. <input checked="" type="checkbox"/> Building Coverage (% |
| 22. <input checked="" type="checkbox"/> Landscaping | of Total Area) |
| 23. <input checked="" type="checkbox"/> Exterior Lighting | 48. <input checked="" type="checkbox"/> Pavement Coverage (Sq. |
| 24. <input checked="" type="checkbox"/> Screening | Ft.) |
| 25. <input checked="" type="checkbox"/> Access & Egress | 49. <input checked="" type="checkbox"/> Pavement Coverage (% |
| 26. <input checked="" type="checkbox"/> Parking Areas | of Total Area) |
| 27. <input checked="" type="checkbox"/> Loading Areas | 50. <input checked="" type="checkbox"/> Open Space (Sq. Ft.) |
| 28. <input checked="" type="checkbox"/> Paving Details | 51. <input checked="" type="checkbox"/> Open Space (% of Total |
| (Items 25-27) | Area) |
| | 52. <input checked="" type="checkbox"/> No. of Parking Spaces |
| | Proposed. |
| | 53. <input checked="" type="checkbox"/> No. of Parking |
| | Required. |

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGEMENT:

The Site Plan has been prepared in accordance with this checklist and the Town of New Windsor Ordinances, to the best of my knowledge.

By: Paul F. Brown
 Licensed Professional

Date: Oct 2, 1987

TOWN OF NEW WINDSOR PLANNING BOARD

MINOR SUBDIVISION CHECKLIST

I. The following items shall be submitted with a COMPLETED Planning Board Application Form.

1. _____ Environmental Assessment Statement
- *2. _____ Proxy Statement
3. _____ Application Fees
4. _____ Completed Checklist

II. The following checklist items shall be incorporated on the Subdivision Plat prior to consideration of being placed on the Planning Board Agenda.

1. _____ Name and address of Applicant.
- *2. _____ Name and address of Owner.
3. _____ Subdivision name and location.
4. _____ Tax Map Data (Section-Block-Lot).
5. _____ Location Map at a scale of 1" = 2,000 ft.
6. _____ Zoning table showing what is required in the particular zone and what applicant is proposing.
7. _____ Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone.
8. _____ Date of plat preparation and/or date of any plat revisions.
9. _____ Scale the plat is drawn to and North Arrow.
10. _____ Designation (in title) if submitted as Sketch Plan, Preliminary Plan or Final Plan.
11. _____ Surveyor's certification.
12. _____ Surveyor's seal and signature.

* If applicable.

13. _____ Name of adjoining owners.
- *14. _____ Wetlands and 100 foot buffer zone with an appropriate note regarding D.E.C. requirements.
- *15. _____ Flood land boundaries.
16. _____ A note stating that the septic system for each lot is to be designed by a licensed professional before a building permit can be issued.
17. _____ Final metes and bounds.
18. _____ Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical centerline of the street.
19. _____ Include existing or proposed easements.
20. _____ Right-of-Way widths.
21. _____ Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 16 ft. wide).
22. _____ Lot area (in square feet for each lot less than 2 acres).
23. _____ Number the lots including residual lot.
24. _____ Show any existing waterways.
- *25. _____ A note stating a road (or any other type) maintenance agreement is to be filed in the Town Clerk's Office and County Clerk's Office.
26. _____ Applicable note pertaining to owners' review and concurrence with plat together with owners' signature.
27. _____ Show any existing or proposed improvements, i.e., drainage systems, waterlines, sewerlines, etc. (including locations, size and depths).
28. _____ Show all existing houses, accessory structures, existing wells and septic systems within 200 ft. of the parcel to be subdivided.

* If applicable.

29. _____ Show all and proposed on-site
"septic" system and well locations; with
percolation and deep test locations and
information, including date of test and
name of professional who performed test.
30. _____ Provide "septic" system design notes as
required by the Town of New Windsor.
31. _____ Show existing grade by contour (2 ft.
interval preferred) and indicate source of
contour data.
32. _____ Indicate percentage and direction of grade.
33. _____ Indicate any reference to previous, i.e.,
file map date, file map number and previous
lot number.
34. _____ Provide 4" wide x 2" high box in area of
title block (preferably lower right corner)
for use by Planning Board in affixing Stamp
of Approval.
35. _____ Indicate location of street or area lighting
(if required).

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGEMENT:

The plat for the proposed subdivision has been prepared in accordance with this checklist and the Town of New Windsor Ordinances, to the best of my knowledge.

By: _____

Licensed Professional

Date: _____

